



Community Development Department

BISMARCK PLANNING AND ZONING COMMISSION MEETING AGENDA February 26, 2020

Tom Baker Meeting Room

5:00 p.m.

City-County Office Building

Watch live meeting coverage on Government Access Channels 2 & 602HD, listen to Radio Access 102.5 FM Radio, or stream FreeTV.org and RadioAccess.org.
Agenda items can be found online at www.bismarcknd.gov/agendacenter

Item No.

Page No.

MINUTES

1. Consider approval of the minutes of the January 22, 2019 meeting of the Bismarck Planning & Zoning Commission.

PRESENTATION/PUBLIC HEARING 2020-2045 METROPOLITAN TRANSPORTATION PLAN

2. Presentation and public hearing on the Metropolitan Planning Organization's 2020-2045 Metropolitan Transportation Plan | Arrive 2045 1

CONSENT AGENDA

CONSIDERATION

The following items are requests for public hearings.

3. **Lot 4, Block 2, KMK Estates (Huntington Cottages Second Addition) (WH) 39**
Zoning Change (R5 to R10) | ZC2020-001

Staff recommendation: schedule a hearing ☐ schedule a hearing ☐ continue ☐ table ☐ deny

4. **Off-Street Parking and Loading (JW) 44**
Zoning Ordinance Text Amendment | ZOTA2019-003.....

Staff recommendation: schedule a hearing ☐ schedule a hearing ☐ continue ☐ table ☐ deny



REGULAR AGENDA

FINAL CONSIDERATION

The following item is a request for final action and forwarding to the City Commission

5. **Parts of Blocks 1-6, Silver Ranch First Addition First Replat (DN)**
Annexation | ANNX2020-001 61
- Staff recommendation: approve ☐ approve ☐ continue ☐ table ☐ deny

PUBLIC HEARINGS

The following items are requests for final action and forwarding to the City Commission.

6. **Hay Creek Substation Addition (JW)** 66

- Zoning Change (A to MA) | ZC2019-004

Staff recommendation: approve ☐ approve ☐ continue ☐ table ☐ deny

- Final Plat | FPLT2019-003

Staff recommendation: approve ☐ approve ☐ continue ☐ table ☐ deny

7. **Apple Meadows Third Subdivision (JW)** 74

Apple Creek Township

- Zoning Change (A to RR) | ZC2019-009

Staff recommendation: approve ☐ approve ☐ continue ☐ table ☐ deny

- Final Plat | FPLT2020-003

Staff recommendation: approve ☐ approve ☐ continue ☐ table ☐ deny

8. **Eugenes First Addition (JW)**
Final Plat | FPLT2020-002 84

Staff recommendation: approve ☐ approve ☐ continue ☐ table ☐ deny

9. **Dunn Subdivision (JW)**
Final Plat | FPLT2020-001 92

Staff recommendation: approve ☐ approve ☐ continue ☐ table ☐ deny

10. **SouthBay Fifth Addition First Replat (WH)**
Minor Subdivision Final Plat | MPLT2020-001 100

Staff recommendation: approve ☐ approve ☐ continue ☐ table ☐ deny

11. **Lot 6 and the East 2 feet of Lot 7, Block 2, High Meadows 9th Addition (DN)**
Special Use Permit (Accessory Dwelling Unit) | SUP2019-011 107

Staff recommendation: approve ☐ approve ☐ continue ☐ table ☐ deny

- 12. Sign Ordinance (DN)**
Zoning Ordinance Text Amendment | ZOTA2019-004..... 115

Staff recommendation: approve

☐ approve

☐ continue

☐ table

☐ deny

OTHER BUSINESS

- 13. Other**

ADJOURNMENT

- 14. Adjourn.** The next regular meeting date is scheduled for **March 25, 2020.**

Enclosures: Meeting Minutes of January 22, 2020
Building Permit Activity Month to Date Report for January 2020
Building Permit Activity Year to Date Report for January 2020

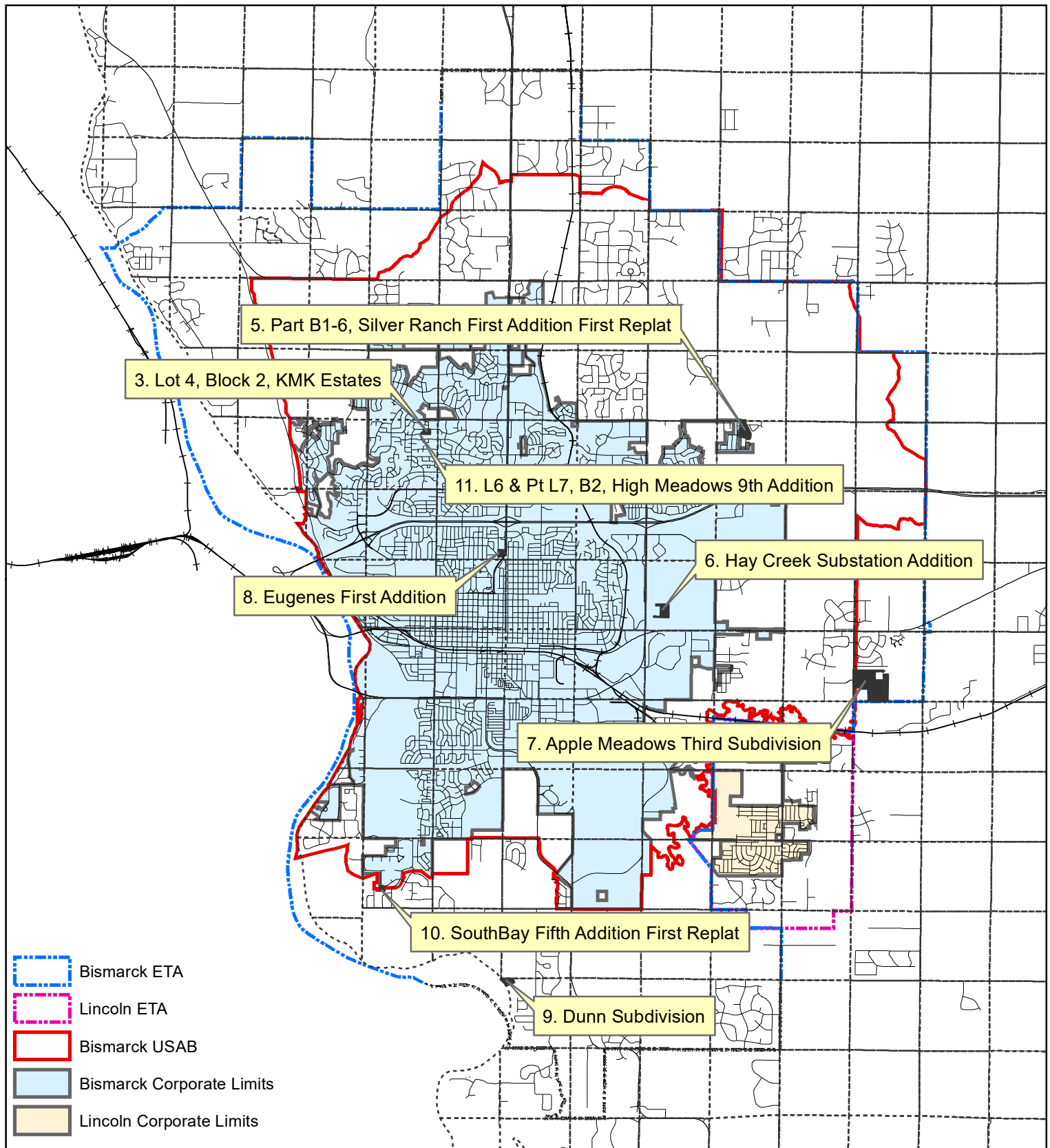
BISMARCK PLANNING AND ZONING COMMISSION PUBLIC HEARING PROCEDURE AND PROTOCOL

All public hearings before the Bismarck Planning and Zoning Commission will follow the same basic format. This outline has been prepared to help you understand the procedure and protocol.

1. The Chair of the Planning and Zoning Commission will introduce the item on the agenda and ask staff to present the staff report.
2. The Planner assigned to the file will present the staff report on the item. The presentation will be an overview of the written staff report included in the agenda packet, which is posted on the City's website by the end of the day on the Friday before the meeting.
3. The members of the Planning and Zoning Commission may ask staff questions about the request itself or staff's recommendation, but they will not discuss the request prior to obtaining input from the public.
4. The Chair of the Planning and Zoning Commission will then open the public hearing on the request and ask if anyone would like to speak to the Commission.
5. The applicant or his or her designated agent is usually given the courtesy of speaking first to outline the proposal and/or clarify any information presented by staff. The applicant may speak at this time or wait until others have spoken.
6. The public hearing is then opened to the public to voice their support, opposition or to ask questions about the proposal. Please write your name and address on the sign-in sheet, step up to the podium, speak clearly, state both your first and last names and your address, then your comments. Speaking over the microphone rather than directly into it will provide the best audio quality. Also, please avoid tapping or banging the podium, as the microphone amplifies the sound. Your comments as well as any materials distributed to the Planning and Zoning Commissioners at this time will be made part of the public record. If you would prefer to provide written materials to staff at the beginning of the meeting, we will distribute the materials to the Commission for you.
7. Please be respectful of the Planning and Zoning Commissioners, staff and others speaking on the request. Personal attacks against the applicant or others, clapping/cheering or booing speakers is not acceptable. Staff and the applicant will only respond to questions from the Planning and Zoning Commissioners, not questions directly from those speaking at the public hearing.
8. Everyone who wishes to speak will be given a chance to speak; however, at larger public hearings, the Chair may ask speakers to limit their time at the podium to five minutes, not repeat previous testimony/comments and only speak once. Members of the Planning and Zoning Commission may ask questions of those speaking, but may also listen and deliberate after the hearing is closed.
9. After everyone in the audience wishing to speak has given his or her comments, the Chair will close the public hearing portion for the agenda item. No additional comments from the public are allowed after the hearing has been closed. At this point, the Chair will ask staff if they have any additional information or final comments.
10. The Planning and Zoning Commissioners will then discuss the proposal. They may ask staff or the applicant additional questions or for clarification of items stated during the public hearing. At the conclusion of the discussion, the Commission will make its recommendation or decision.

General Location Map

Planning and Zoning Commission Meeting - February 26, 2020



February 2020

0 4,000 8,000 16,000 Feet

This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.



To: City of Bismarck Planning and Zoning Commissioners
From: Rachel Drewlow, Transportation Planner – Bis-Man MPO
Wade Kline, Project Manager – KLJ
Date: February 12, 2020
Re: Review and Resolution of Adoption for Arrive 2045 (BMMPO
2020-2045 Metropolitan Transportation Plan)

Introduction

Arrive 2045 is the Metropolitan Transportation Plan (MTP) for the Bismarck-Mandan Metropolitan Planning Organization (BMMPO), which includes the City of Bismarck, City of Mandan, City of Lincoln, Burleigh County, and Morton County. As a long-range planning tool, it covers a planning horizon for the future 5 years. Attached to this memorandum is a full Executive Summary for the Arrive 2045 MTP. Also, the full document may be access from the study website, Arrive2045.com. **The BMMPO, and their consultant KLJ, request a public hearing and the opportunity to present the final Arrive 2045 MTP to the Bismarck Planning and Zoning Commission at their February 26, 2020 meeting.**

Summary

Arrive 2045 is designed to help the BMMPO and local jurisdictions meet current and future transportation needs and to gauge the success of these efforts with established performance measures. Arrive 2045 will guide the development of multimodal transportation systems throughout the Bismarck-Mandan metropolitan area for the next 5 years. It will be used to prioritize federal transportation spending throughout this period, and as such, it is vitally important that the plan reflect the choices and needs of the Bismarck-Mandan metropolitan area's residents, workers, and visitors. Since transportation has a broad impact on society, long-range transportation planning must consider concerns, such as impact upon the environment, land use, and economic development, in addition to traditional transportation-related issues, such as mobility and safety.

Plan Development Process

Development of Arrive 2045 includes the following key processes:

- Identify the baseline and future conditions based on historic growth and development, analyze the region's transportation system, and evaluate existing issues and needs.
- Create a transportation vision, goals, and objectives to guide the development.
- Establish a fiscal constraint.
- Evaluate options and alternatives that will address the region's transportation issues and needs and help meet the overall transportation vision for Bismarck-Mandan.
- Prioritize projects based on need, fiscal constraint and timeline for implementation.
- Plan review and approval by the Bismarck-Mandan MPO's Policy Board.

Public Engagement

The development of Arrive 2045 was conducted with a pro-active public involvement process. BMMPO staff also worked cooperatively with decision-makers of its member jurisdictions, the Federal Highway Administration (FHWA), the Federal Transit Administration (FTA), the North Dakota Department of Transportation (NDDOT), and the public to execute a continuous, cooperative, and comprehensive planning process and develop the highest quality public investment plan for our region.

A steering committee was established to provide technical direction and guidance of the Metropolitan Transportation Plan (MTP) development. Representation on the committee included:

- City of Bismarck
- City of Mandan
- City of Lincoln
- Burleigh County
- Morton County
- Bismarck International Airport
- Bismarck Public Schools
- Bismarck Police Department
- Bismarck Rural Fire Department
- North Dakota Department of Transportation

Three rounds of public input meetings were held at strategic phases of the MTP development process. Each phase of meetings was structured to ensure inputs from the public to support the key elements of the Arrive 2045 MTP. Additional tools such as a project web page, social media and more traditional marketing efforts were executed to engage the public and key stakeholders.

Vision, Goals, Objectives & Performance Measures

The future of the transportation system in the Bismarck-Mandan metropolitan area will be driven by the vision, goals, objectives, and performance measures developed for Arrive 2045. The goals developed for Arrive 2045 reflect guidance from MAP-21 planning factors, MAP-21 and FAST Act National Performance Goals, the NDDOT statewide transportation plan, and input from project stakeholders and community outreach.

Constrained & Prioritized Plan

Development of the project list for Arrive 2045 is based on an established fiscal constraint agreed to between the Bismarck-Mandan MPO and NDDOT. All projects were prioritized through a process which balanced technical analysis, public input, project needs and feasibility. These elements were used to determine which projects would be selected for the constrained funding plan and in what period the project(s) would be proposed (short, mid, or long-range).

Projects are assigned a period based on their relative need. So, even if a project could be funded in a later phase, it is kept in the phase at which it is needed and not assigned funding. This allows for a better representation of unmet funding needs.

Requested Action:

The Bismarck-Mandan MPO requests a motion to recommend approval of Arrive 2045, the 2020-2045 Metropolitan Transportation Plan, by Resolution of Adoption.



Bismarck-Mandan **Metropolitan Transportation Plan**

Executive Summary
January 2020



SUMMARY

Arrive 2045 is the long-range transportation plan (LRTP), now known as the metropolitan transportation plan (MTP), for the Bismarck-Mandan Metropolitan Planning Organization (BMMPO) area, which includes the City of Bismarck, the City of Mandan, City of Lincoln, Burleigh County, and Morton County. Arrive 2045 is designed to help realize BMMPO's adopted outcomes to meet current and future transportation needs and to gauge the success of these efforts with established performance measures. Arrive 2045 will guide the development of multimodal transportation systems throughout the Bismarck-Mandan metropolitan area for the next 25 years. It will be used to prioritize most of transportation spending throughout this period, and as such, it is vitally important that the plan reflect the choices and desires of the Bismarck-Mandan metropolitan area's residents, workers, and visitors. Since transportation has a broad impact on society, long-range transportation planning must consider concerns, such as impact upon the environment, land use, and economic development, in addition to traditional transportation-related issues, such as mobility and safety.

In accordance with Federal law, metropolitan transportation plans are updated every five years to accommodate the changing needs of the area and to reflect changes in the socio-economic composition of the area, as well as changes in local transportation policy. The last MTP for the Bismarck-Mandan metropolitan area was adopted in 2015. While 2045 extends beyond what can be accurately predicted, a long-range plan's value lies in comprehensively assessing the region's current transportation system and charting a course of action for coming years. It presents an opportunity to step back and take a big-picture look at current conditions, challenges, and possible solutions. Arrive 2045 creates a vision that assists in guiding future decisions toward the goal of a safe and efficient transportation system to meet the area's current and future needs.

Arrive 2045 must also consider all modes of transportation; streets and highways, transit, bicycle and pedestrian, air, rail and water, as well as freight movement within and through the Bismarck-Mandan metropolitan area. The Plan must be maintained so local jurisdictions can receive Federal funding for transportation improvements within the Bismarck-Mandan metropolitan area.

Arrive 2045 must present a reasonable expectation of revenue to fund the improvements identified to meet the transportation needs of the Bismarck-Mandan metropolitan area now and in the future. It must be a fiscally-constrained document. Fiscally-constrained, simply stated, is that the expense of accomplishing the projects identified in the Plan does not exceed what the Bismarck-Mandan metropolitan area can reasonably expect to receive in revenues.

FEDERAL REQUIREMENTS

Arrive 2045 is an integral part of the BMMPO's "continuing, cooperative, and comprehensive" planning process as stipulated by Federal law. This process was established by the Federal government with the intent of fostering better management, operation, and development of the surface transportation system. This Plan is also compliant with the national goals set forth in Fixing America's Surface Transportation (FAST) Act, the current Federal transportation program. Arrive 2045 adheres to all requirements stipulated in the FAST Act.

PLAN DEVELOPMENT PROCESS

The planning process for the development of Arrive 2045 consisted of six phases:

- » Identify the baseline and future conditions which assessed historic growth and development, analyzed the region's transportation system, and evaluated existing issues and needs.
- » Create a transportation vision, goals, and objectives to guide the development.
- » Establish a fiscal constraint.
- » Evaluate options and alternatives that will address the region's transportation issues and needs and help meet the overall transportation vision for Bismarck-Mandan.
- » Prioritize projects based on the fiscal constraint and time line for implementation.
- » Plan review and approval by the Bismarck-Mandan MPO's Policy Board.

The six phases were part of the overall process, as shown on the next page.

THE PROCESS



PUBLIC ENGAGEMENT

The development of Arrive 2045 was conducted with a pro-active public involvement process. BMMPO staff also worked cooperatively with decision-makers of its member jurisdictions, the Federal Highway Administration (FHWA), the Federal Transit Administration (FTA), the North Dakota Department of Transportation (NDDOT), and the public to execute a continuous, cooperative, and comprehensive planning process and develop the highest quality public investment plans for our changing society.

STEERING COMMITTEE

A steering committee was established to provide technical direction and guidance of the Metropolitan Transportation Plan (MTP) development. Representation on the committee included:

- » City of Bismarck
- » City of Mandan
- » City of Lincoln
- » Burleigh County
- » Morton County
- » Bismarck International Airport
- » Bismarck Public Schools
- » Bismarck Police Department
- » Bismarck Rural Fire Department
- » North Dakota Department of Transportation

There were ten Steering Committee meetings held throughout the development of the MTP.

INFORMATION AND MARKETING

Project Website

Arrive2045.com was the website established for the MTP to serve as the primary warehouse for all project documents and information as well as a forum to submit public comment. The website included:

- » A home page with the most recent project updates and links for new information and to provide comment.
- » An about page with a general overview, a frequently asked questions section, the schedule, and project partners.
- » A documents page with all documents and newsletters produced during the MTP.
- » A contact page with an email submission form and other relevant contact information.

Social Media

Facebook was used to keep the community engaged throughout the MTP development. Facebook posts were published as appropriate throughout the process, with key stakeholders sharing the posts as they were able.

Throughout the study process, there were more than 25 Facebook posts that were viewed by more than 900 different users.

PUBLIC INPUT MEETINGS

PIM #1: Arrive 2045 Futures Summit

On October 9th and 10th, 2018, the Bismarck-Mandan MPO held the first round of public engagement for the Bismarck – Mandan Metropolitan Transportation Plan (MTP). These were advertised as the Arrive 2045 Futures Summit meetings. The first round included three meetings located across the MPO Planning area. At each meeting there was a brief presentation on the issues identified through the technical analysis; small group prioritization exercise for goals, performance areas, and emerging issues; and a table top exercise to identify future transportation improvements to the transportation network.

PIM#2: Options & Alternatives

A second round of public input was deployed at the midway point of developing Arrive 2045. The second round of public input meetings was structured to provide the public and key stakeholder an opportunity to provide input on the universe of projects which had been developed and evaluated.

Meeting participants were provided with a list and map of identified projects being contemplated for inclusion in Arrive 2045. Each project was identified with a relative technical score that had been previously identified by the project Study Committee. Participants were asked to provide a ranking of their top three projects; and then to provide a general listing of the seven other projects they felt were high priority needs for Arrive 2045.

A total of three input meetings were held the week of July 9, 2019. Each meeting was opened with a short background presentation the Arrive 2045 and provided content and guidance to participants on what input was needed from them at this point in the planning process.

PIM #3: Draft Plan Review

The third public input meeting was held after the draft plan of Arrive 2045 was compiled. This meeting was an open house format for people to review the key findings, constrained projects, and the project phasing. A total of three input meetings were held the week of January 22nd, 2020.

VISION, GOALS, OBJECTIVES & PERFORMANCE MEASURES

TRANSPORTATION VISION

The future of the transportation system in the Bismarck-Mandan metropolitan area will be driven by the vision, goals, objectives, and performance measures developed for Arrive 2045. The vision for Arrive 2045 has been developed as follows:

Arrive 2045 is focused on **preserving** the transportation infrastructure of the Bismarck-Mandan MPO Area. The development of new **funding strategies** will be critical. Future investments in system preservation must be balanced against thoughtful implementation of **new infrastructure** which serve to **expand transportation capacity**. Arrive 2045 establishes a set of **regional priorities** to **balance public expectations** for improved **regional mobility**. Arrive 2045 recognizes the future contains many opportunities to channel **technology** to influence transportation mobility.

ARRIVE 2045 GOALS, OBJECTIVES & PERFORMANCE MEASURES

The goals developed for Arrive 2045 reflect guidance from MAP-21 planning factors, MAP-21 and FAST Act National Performance Goals, the NDDOT statewide transportation plan, and input from project stakeholders and community outreach. The figure below depicts how the performance measure areas are set as part of MAP-21 and the FAST Act and the requirements for which measures and targets are to be set for NDDOT's Statewide Transportation Plan and the MPO's MTP – Arrive 2045.

Again, the graphic is inclusive of the required performance measure areas. Additional performance measures and desired target trendlines have been set by the MPO as part of Arrive 2045 that pertain specifically to the MPO's system.

Federal Performance Measure Categories	REQUIRED FOR NDDOT STATEWIDE TRANSPORTATION PLAN		REQUIRED FOR MPO MTP – ARRIVE 2045		ARRIVE 2045 ADDITIONAL LOCAL PERFORMANCE MEASURES	
PAVEMENT CONDITION ⁽¹⁾	→	✓	→	✓	→	✓
PERFORMANCE ⁽¹⁾	→	✓	→	✓	→	✓
BRIDGE CONDITION ⁽²⁾	→	✓	→	✓	→	✓
SAFETY – FATALITIES & SERIOUS INJURY ⁽³⁾	→	✓	→	✓	→	✓
TRAFFIC CONGESTION ⁽⁵⁾	→	✓	→	OPTIONAL	→	✓
ON-ROAD MOBILE SOURCE EMISSIONS ⁽⁵⁾	→	✓	→	OPTIONAL	→	NOT INCLUDED
FREIGHT MOVEMENT ⁽⁴⁾	→	✓	→	✓	→	NOT INCLUDED

Roadways "Required" for the Federal Performance Categories:

(1) Required for Interstate and Non-Interstate NHS Roadways; (2) Required for all NHS Roadways; (3) Required for all Public Roadways; (4) Required for Interstate System Roadways; (5) Required Roadways Not Specified



ARRIVE 2045 GOAL 1:

SAFETY & SECURITY

Goal 1 incorporates the following goals, performance measures, and planning factors:

- » National Performance Goal for safety
- » National Performance Measure for Safety - Fatalities and Serious Injuries
- » MAP-21 Planning Factors to increase the safety of the transportation system for motorized and non-motorized users and to increase the security of the transportation system for motorized and non-motorized users.

All transportation improvements should be developed with safety of the traveling public in mind. Safety should be considered when developing transportation projects for all modes of motorized and non-motorized transportation. These improvements should consider reducing both the severity and overall number of crashes.

Security of the transportation system includes ensuring users of the transportation system are protected from natural or human disaster (ie flooding, acts of terrorism). Security measures for transportation system users are often considered for public transit riders and non-motorized users of the trail systems. Security of our transportation system also considers the mobility of our emergency service vehicles.

PERFORMANCE MEASURES

Existing Metrics and Targets:

STATE SYSTEM FEDERAL REQUIREMENTS

Safety Performance Measure	NDDOT 5-Year Average (2013 - 2017)	2019 NDDOT 5-Year Average Target
Number of Motorized Fatalities	120.0	108.3
^a Rate of Fatalities per 100 million VMT	1.2	1.106
Number of Motorized Serious Injuries	458.6	413.9
^a Rate of Serious Injuries per 100 million VMT	4.59	4.23
Number of Non-Motorized Fatalities and Non-Motorized Serious Injuries	36.2	33.4

^a The MPO will adapt current NDDOT targets for rate calculated goals

LOCAL MPO SYSTEM OPTIONAL REQUIREMENTS

Safety Performance Measure	MPO 5-Year Average (2013 - 2017)
Number of Motorized Fatalities	4.6
Rate of Fatalities per 100 million VMT	0.642
Number of Motorized Serious Injuries	33.6
Rate of Serious Injuries per 100 million VMT	4.687
Number of Non-Motorized Fatalities and Non-Motorized Serious Injuries	5.2

Desired Target:
Reduction in crashes



HOW WILL WE ACHIEVE THE GOAL?

Objectives:

- » **1A:** Reduce the incidence of all motor vehicle and non-motor vehicle (pedestrian and cyclist) crashes, with an emphasis on serious injury and fatal crashes. This may include implementing improvements that are both proven Crash Reduction Measures at locations with an existing crash history or at locations without an existing crash history as a proactive improvement (SMO)
- » **1B:** Provide a safe and secure environment for transit system riders (PBO)

- » **1C:** Enhance transportation security and reliability by developing strategies to address critical transportation assets identified that will facilitate the rapid movement of first responders and support incident management during times of emergency (SMO)
- » **1D:** Support North Dakota's State Highway Safety Plan (SHSP) "Vision Zero" as a goal to move toward zero fatal resultant crashes (PBO)

SMO: Scoring Metric Objective | PBO: Policy Based Objective



ARRIVE 2045 GOAL 2:

INFRASTRUCTURE CONDITION

Goal 2 incorporates the following goals, performance measures, and planning factors:

- » National Performance Goals for the infrastructure condition of pavements and bridges.
- » National Performance Measure Categories of bridge condition and pavement condition
- » MAP-21 Planning Factors to emphasize the preservation of the existing transportation system and to promote efficient system management and operations.

As our transportation system ages, maintenance of our existing system is continuously needed to ensure that the condition of our pavements, bridges, bicycle and pedestrian facilities, transit facilities, and any other components of our existing transportation system are maintained and repaired to serve our traveling public. The challenges with maintaining our existing transportation system typically revolve around funding. The cost of transportation maintenance is continuously rising and there is often a competition between maintenance and operations costs of our existing system versus new facilities.

PERFORMANCE MEASURES

Existing Metrics and Targets:

STATE SYSTEM FEDERAL REQUIREMENTS

Pavement Conditions Measures and Targets

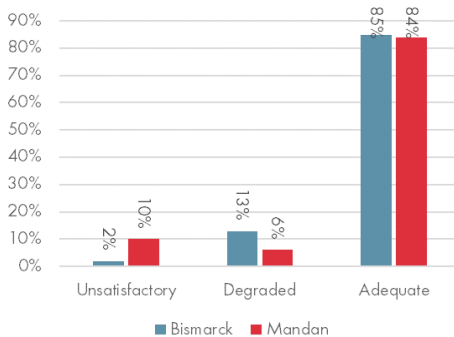
NDDOT Conditions Performance Measure	Existing Condition	Target Condition
Interstate Good	80.2%	75.6%
Interstate Poor	0.1%	3%
Non-Interstate Good	62.8%	58.3%
Non-Interstate Poor	0.3%	3%

Bridge Conditions Measures

Conditions Performance Measure	Structures Good	Structures Poor
Target Condition (NDDOT)	60%	4%
Existing Condition (NDDOT)	64.44%	3.67%

LOCAL MPO SYSTEM OPTIONAL REQUIREMENTS

Pavement Conditions Measures



Desired Target:
Decrease Percent of Unsatisfactory/Degraded Pavement



Bridge Conditions Measures

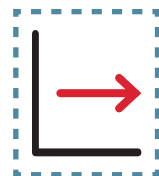
Structures Good:

77.8%

Structures Poor:

5.6%

Desired Target:
Maintain Bridges



HOW WILL WE ACHIEVE THE GOAL?

Objectives:

- » **2A:** Maintain pavement quality and bridges at acceptable levels (SMO)
- » **2B:** Maintain street signage and visibility (SMO)
- » **2C:** Maintain the current bicycle & pedestrian system (SMO)
- » **2D:** Maintain transit fleet, equipment, and facilities in a state of

SMO: Scoring Metric Objective | PBO: Policy Based Objective

- good repair as identified within the Transit Development Plan (TDP) (SMO)
- » **2E:** Maintain traffic signals, lighting, and other transportation ITS assets at acceptable levels (SMO)
- » **2F:** All MPO participating jurisdictions should cost participate in the data collection of pavement system condition on a 5-year cycle (PBO)



ARRIVE 2045 GOAL 3:

CONGESTION REDUCTION

Goal 3 incorporates the following goals, performance measures, and planning factors:

- » National Performance Goals for congestion reduction and system reliability
- » National Performance Measure Categories of traffic congestion and freight movement.
- » MAP-21 Planning Factor to enhance the integration and connectivity of the transportation system, across and between modes, for people and freight.

Mobility and connectivity of the transportation system allows users to move from one place to another in a direct route with reduced travel times and reduced delays. Connectivity allows people to make decisions based on traffic conditions, access, and desired trip destinations. Connectivity is not only about a direct route from an origin to a destination, it should also allow users to choose multiple transportation modes and to interchange between the modes in a safe and efficient manner.

PERFORMANCE MEASURES

Existing Metrics and Targets:

LOCAL MPO SYSTEM OPTIONAL REQUIREMENTS

Vehicle Miles Traveled (VMT) Per Capita

County	Population ^a	2017 Annual VMT ^b	Resultant Annual VMT per Capita ^c
Burleigh	95,273	739,236,000	7,800
Morton	31,095	446,409,000	14,500

^a Data Source: American Community Survey (ACS) 2018 Population Estimates

^b Data Source: 2017 NDDOT Annual Traffic Report per County

^c Rounded to the nearest 500 miles

Desired Target:

Reduction of VMT per Capita



Vehicle Hours Traveled (VHT) Per Capita

MPO Population ^c	VHT ^d	VHT per Capita
100,306	47,100	0.47 hours 28.2 minutes

^c Data Source: Bismarck Mandan MPO Monitoring Report - US Census, 2010

^d Data Source: 2015 Travel Demand Model

Desired Target:

Reduction of VHT per Capita

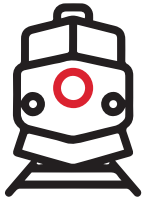


HOW WILL WE ACHIEVE THE GOAL?

Objectives:

- » **3A:** Implement projects and programs that will reduce travel delays on corridors that have an existing or proposed Level of Service (LOS) D or worse, to a LOS C or better after the improvement is made (SMO)
- » **3B:** Provide and maintain corridors functionally classified as minor arterials and above that facilitate longer-distance travel within the region (SMO)
- » **3C:** Improve the continuity of the multimodal systems for pedestrians, cyclists, or transit riders; through improved network connections and reduction of system gaps (SMO)
- » **3D:** Support future development that would result in reduced motor vehicle trips (PBO)

SMO: Scoring Metric Objective | PBO: Policy Based Objective



ARRIVE 2045 GOAL 4:

SYSTEM RELIABILITY FOR FREIGHT MOVEMENT AND ECONOMIC VITALITY

Goal 4 incorporates the following goals, performance measures, and planning factors:

- » National Performance Goals for system reliability and freight movement and economic vitality.
- » National Performance Measure Category of Freight Movement
- » MAP-21 Planning Factors to support the economic vitality of the metropolitan area, especially by enabling global competitiveness, productivity, and efficiency; enhance the integration and connectivity of the transportation system, across and between modes, for people and freight; and increase accessibility and mobility of people and freight.

A transportation system that provides good access for all modes of transportation can promote future development and employment opportunities which will in return stimulate the region's local economy.

A well connected and efficient transportation system that facilitates the movement of goods between freight modes and facilitates the movement of goods and freight to commercial and industrial centers can lower the cost of doing business. This can both support existing business and attract new business to support and enhance the local economy.

PERFORMANCE MEASURES

Existing Metrics and Targets:

STATE SYSTEM FEDERAL REQUIREMENTS

System Performance for the Interstate and Non-Interstate NHS

Conditions Performance Measure	Travel Time Reliability Non-Interstate National Highway System (NHS)	Travel Time Reliability Interstate	Freight Reliability Index
Target Condition	85%	85%	3.0
Existing Condition (NDDOT - 2017)	91.6%	99.4%	1.15

LOCAL MPO SYSTEM OPTIONAL REQUIREMENTS

There is not an MPO desired performance measure or target for this goal.

HOW WILL WE ACHIEVE THE GOAL?

Objectives:

- » **4A:** Enhance the efficient and safe movement of freight and goods including investments in congestion reduction and safety improvements on the critical urban freight corridors and other designated freight corridors (SMO)
- » **4B:** Support transportation investments as identified in the most recent Bismarck-Mandan MPO Regional Freight Study (PBO)
- » **4C:** Promote transportation investments that enhance the local economy (PBO)

SMO: Scoring Metric Objective | PBO: Policy Based Objective



ARRIVE 2045 GOAL 5:

ALTERNATIVE TRANSPORTATION MODES TO AUTOMOBILE TRAVEL

Goal 5 incorporates the following goals, performance measures, and planning factors:

- » National Performance Goals for congestion reduction, system reliability and environmental sustainability.
- » National Performance Measure Categories of traffic congestion and on-road mobile source emissions.
- » MAP-21 Planning Factors to increase accessibility and mobility of people and freight; protect and enhance the environment, promote energy conservation, improve the quality of life, and promote consistency between transportation improvements and State and local planned growth and economic

development patterns; and enhance the integration and connectivity of the transportation system, across and between modes, for people and freight.

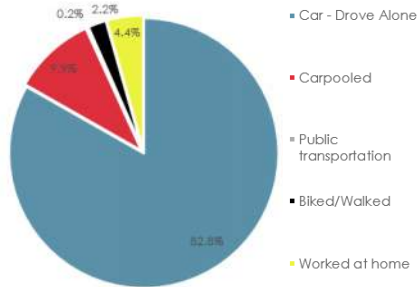
More people are choosing to use alternate modes of transportation to live a healthier lifestyle, reduce their environmental footprint, or spend less money out of their budget on transportation costs. Also, due to various social justice issues, certain portions of the population also are dependent on public transportation or non-motorized transportation. Regardless of the reason, it is important to provide a well-balanced transportation system that supports modes other than a single occupancy motor vehicle. This includes supporting alternative modes of transportation for users of all ages and all abilities.

PERFORMANCE MEASURES

Existing Metrics and Targets:

LOCAL MPO SYSTEM OPTIONAL REQUIREMENTS

Mode Share

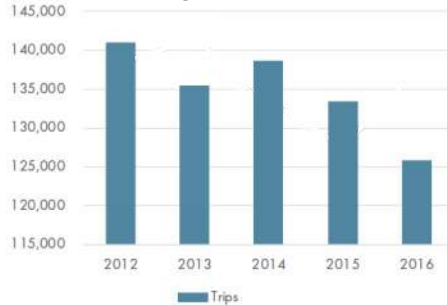


Desired Target:

Decrease single vehicle use

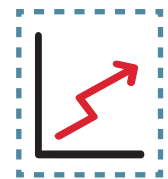


CAT Ridership



Desired Target:

Increase fixed route transit ridership

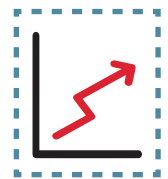


Miles of Facilities

Facility Type	Miles	
	Bismarck	Mandan
Multi-use Trails	52 miles	18 miles
Bicycle Lanes	4 miles	0 miles
Shared-Use Routes	5 miles	0 miles

Desired Target:

Increase miles of bicycle facilities



HOW WILL WE ACHIEVE THE GOAL?

Objectives:

- » **5A:** Consider coordination with transit agencies to improve transit route efficiency, system productivity, and community awareness by implementing transportation investments that support the transit system (PBO)
- » **5B:** Improve transit and rideshare opportunities for travelers commuting into Bismarck-Mandan from outside the urban area (PBO)
- » **5C:** Improve bicycle and pedestrian system accessibility and connectivity opportunities while maintaining safety by implementing transportation investments identified in the most recent Bismarck-Mandan MPO Bicycle and Pedestrian Plan (SMO)
- » **5D:** Improve the awareness and safety of bicycling, and educate both bicyclists and motorists on rules and responsibilities (PBO)

SMO: Scoring Metric Objective | PBO: Policy Based Objective



ARRIVE 2045 GOAL 6:

ENVIRONMENTAL SUSTAINABILITY

Goal 6 incorporates the following goals, performance measures, and planning factors:

- » National Performance Goal for environmental sustainability.
- » National Performance Measure Category for on-road mobile source emissions.
- » MAP-21 Planning Factor to promote energy conservation, improve the quality of life, and promote consistency between transportation improvements and State and local planned growth and economic development patterns.

Air quality is affected by mobile source emissions resulting from vehicle miles traveled (VMT). Air quality impacts can be reduced through roadway improvements that reduce VMT or provide for transportation modes other than single occupancy vehicles. New and expanded transportation facilities can also negatively impact the environment such as impacting wetlands, historical and cultural resources, existing neighborhoods or properties, and many other potential environmental impacts.

PERFORMANCE MEASURES

Existing Metrics and Targets:

LOCAL MPO SYSTEM OPTIONAL REQUIREMENTS

The performance measures and targets for reduction in VMT/Capita and VHT/Capita as identified in Goal 3 Congestion Reduction, will also support environmental sustainability through reduced on-road mobile source emissions. Please see Goal 3 Congestion Reduction for the performance measures, current system performance, and targets.

HOW WILL WE ACHIEVE THE GOAL?

Objectives:

- » **6A:** Minimize the transportation system's impacts on the natural and built environment (PBO)
- » **6B:** Ensure that projects located within Environmental Justice (EJ) areas have no negative impacts or have identified mitigation measures (PBO)
- » **6C:** Promote transportation investments that support infill, mixed use development patterns (PBO)
- » **6D:** Provide transportation infrastructure design guidance that fits within the context of the built environment (PBO)
- » **6E:** Plan for and address multimodal transportation system impacts/sufficiency when planning new developments (PBO)



ARRIVE 2045 GOAL 7:

REDUCED PROJECT DELIVERY

Goal 7 incorporates the following goals, performance measures, and planning factors:

- » National Performance Goals for reduced project delivery delay.
- » MAP-21 Planning Factors to support the economic vitality of the metropolitan area, especially by enabling global competitiveness, productivity, and efficiency; promote efficient system management and operation; and emphasize the preservation of the existing transportation system.

A well developed MTP will consider fiscal constraint and develop, prioritize, and program projects to ensure they are within the means of each jurisdiction's transportation budget. This first includes consideration of maintenance and operation costs of the existing transportation system.

Secondly, lower cost alternatives should be considered to improve the performance of the transportation system before more expensive projects such as extending and widening the system are considered.

PERFORMANCE MEASURES

Existing Metrics and Targets:

LOCAL MPO SYSTEM OPTIONAL REQUIREMENTS

There is currently no data available for this performance measure. The MPO, when able, will commit to collecting these data following the completion of this plan. Baseline data will be available in 2020.

Possible Performance Measures:

- » Track the number of projects that are delivered on time (as scheduled).

Possible Desired Target:

Reduction of the number of delayed projects



HOW WILL WE ACHIEVE THE GOAL?

Objectives:

- » **7A:** Identify Non-Federal funding opportunities (public or private) to support transportation needs to fund entire projects or greater than the required Federal project match (PBO)
- » **7B:** Leverage the existing transportation system by emphasizing low-cost, high impact solutions that may include incremental system improvements, system preservation, and technology applications to achieve congestion in lieu of more expensive projects such as roadway widening (SMO)
- » **7C:** Develop policies to support consistent application of development-related improvement requirements and streamlined project development (PBO)

EXISTING SYSTEM PERFORMANCE

The Existing System Performance analysis evaluated the current conditions for all modes of transportation and was used to identify issues and opportunities for investment over the life of Arrive 2045.

TRAFFIC OPERATIONS

The travel demand model provides level of service for the functionally classified roadways. Areas of existing concern based on deficient LOS include many of the metro's most heavily traveled arterial roadways:

- » Washington Street
- » State Street
- » I-94
- » Divide Avenue
- » Bismarck Expressway
- » Centennial Road
- » 19th Street N
- » 7th Street
- » 3rd Street (Mandan)
- » Memorial Highway
- » Downtown Bismarck and Mandan (various streets)

ASSET MANAGEMENT

Highways, roads, and bridges are an integral part of the community. These assets keep the economy moving, connect to daily destinations, and provide access in case of an emergency. Asset management is defined as a strategic and systematic process of operating, maintaining, and improving physical assets based on engineering and economic analysis. For Arrive 2045 asset management includes pavement conditions and bridge structures.

- » Pavement Conditions
 - 75.6 percent of the Interstate in the MPO area is in good condition and 3 percent in poor condition.
 - 58.3 percent of the Non-Interstate National Highway System in the MPO area is in good condition and 3 percent in poor condition.
 - 85 percent of Bismarck's roadways have an adequate pavement condition and 2 percent in unsatisfactory condition.
 - 84 percent of Mandan's roadways have an adequate pavement condition and 10 percent in unsatisfactory condition.
- » Bridge Conditions
 - 70 percent of bridge structures in the MPO area are in good condition and just 2 percent in poor condition.

ROADWAY SAFETY

The last five years of crash data was analyzed to understand roadway safety patterns and high crash locations. During this timeframe there were 15,039 motorized vehicle and 238 non-motorized crashes. This includes 23 fatal crashes, of which six occurred at intersections, and 186 serious injury crashes.

Bismarck has 17 of 50 high crash urban locations across North Dakota. Mandan, Lincoln, Burleigh, and Morton County had none.

OTHER HIGHLIGHTS

- » Vehicle miles traveled (the sum of the length of each trip driven by every person on the transportation network) has grown faster in Burleigh County than in Morton County, likely associated with larger population growth and suburban style development.
- » Vehicle hours traveled (the sum of the travel time for each trip driven by every person on the transportation network) increased 21 percent between 2010 and 2015.
- » Passenger trips on Capital Area Transit's fixed routes have declined nearly 11 percent between 2012 and 2016 and about eight percent on the paratransit and demand response service. The Transit Development Plan was recently completed and outlined a variety of potential service improvements and funding mechanisms.
- » The Cities of Bismarck and Mandan have 516 miles of bicycle and pedestrian facilities. The 2017 Bicycle and Pedestrian Plan identified priority routes and intersections to improve walking and biking in the Bismarck-Mandan metro.

GROWTH, TRENDS, AND FORECASTS

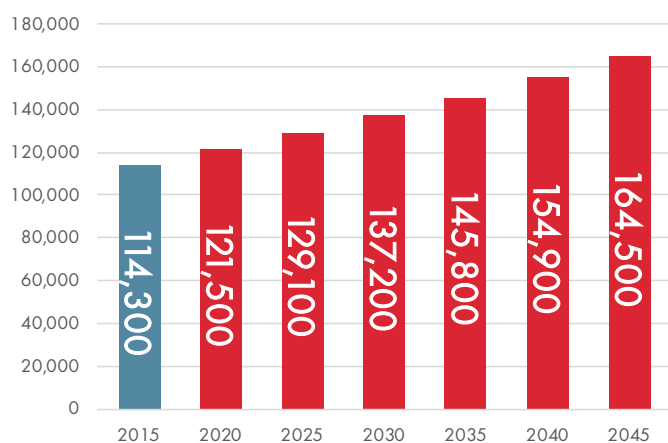
DEMOGRAPHIC TRENDS

Population, household, and employment growth in the Bismarck-Mandan metro area are directly related to the demands placed on the transportation network. As more people and jobs are located in the region, there are more commuting and freight trips. This section includes a review of the population, household, and employment forecasts developed for the Bismarck-Mandan metro area as part of the Bismarck-Mandan Model Review and Socio-Economic Update Study.

Population Growth

The Bismarck-Mandan metro area population has historically grown at a rate of 1.2 percent per year (1985 to 2015), however more recent trends have shown a more significant growth rate, around 2.4 percent per year (2010 to 2015). Recently, the 2045 socioeconomic forecasts were approved using the historic growth rate around 1.2 percent per year, on average, resulting in more than 50,000 new people by 2045, for an expected population of 164,500.

Current and Projected Population

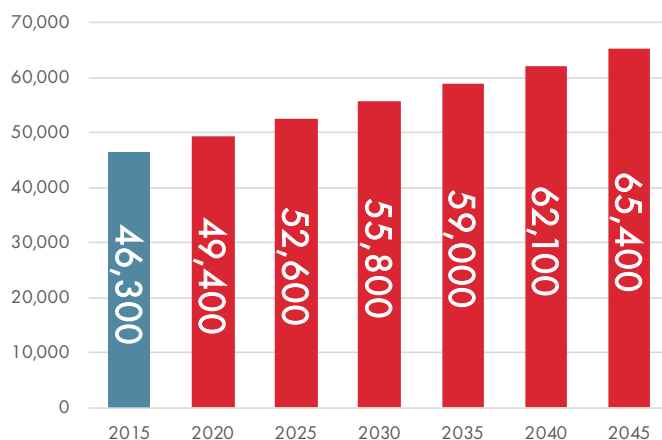


Household Growth

The population growth forecasted through 2045 is allocated to new households based on household size, which reflects a variety of factors, including age and housing type (single-family/multi-family). Household size has declined since the 1970s (3.37) to 2005 (2.39), but has recently stabilized. The demographic forecasts expects a slight increase in household size through 2045.

This results in around 65,400 total households in the Bismarck-Mandan metro area by 2045, an increase of more than 19,000 new households. This forecasts is lower (10.5 percent) than previous 25-year forecasts.

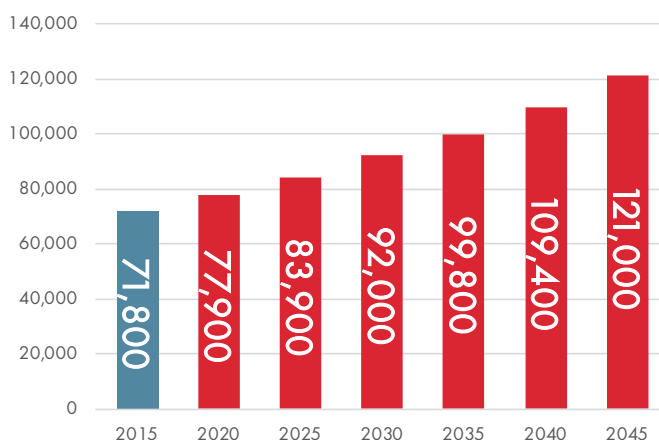
Current and Projected Households



Employment Growth

Employment growth in the Bismarck-Mandan metro area is expected to grow around 1.8 percent per year through 2045, resulting in more than 49,000 new jobs, for a total of 121,000 jobs. This forecast is slightly lower (2.6 percent) than previous 25-year forecasts, likely associated with the uncertainty surrounding energy development in western North Dakota.

Current and Projected Employment



Current and Forecasted Change in Socioeconomic Data

	2015	2020	2025	2030	2035	2040	2045	2015-2045 Percent Change
Metro Population	114,300	121,500	129,100	137,200	145,800	154,900	164,500	43.9%
Metro Households	46,300	49,400	52,600	55,800	59,000	62,100	65,400	41.3%
Metro Jobs	71,800	77,900	83,900	92,000	99,800	109,400	121,000	68.5%

FUTURE SYSTEM PERFORMANCE

The 2020 to 2045 Bismarck-Mandan Metropolitan Transportation Plan uses a year 2045 planning horizon to provide a 25-year time period after plan adoption for prioritizing regional transportation improvements. This chapter provides a performance assessment of the future transportation system.

2030 FUTURE NETWORK PERFORMANCE

By 2030, the Bismarck-Mandan metro area will add nearly 10,000 households and 20,000 jobs. Even with this anticipated growth, the network will continue to operate effectively through most of the metro, however, there are some areas of growing congestion. Vehicle hours traveled (VHT) by all vehicles on the network will increase 30.3 percent, while vehicle miles traveled (VMT) by all vehicles on the network will increase 28.5 percent. VHT growing at a faster rate than VMT indicates increasing congestion, however mild through 2030.

The 2030 LOS is shown in below. Many of the metro's most heavily traveled arterial roadways will continue to see growing congestion, especially in the northeast.

2030 Model Outputs

	2015	2030	2015-2030 Percent Change
VHT	28,605	37,265	30.3%
VMT	1,753,850	2,253,430	28.5%
% of Links Over Capacity	1.2%	5.1%	322.3%

2045 FUTURE NETWORK PERFORMANCE

From 2030 to 2045, the Bismarck-Mandan metro area will add another 10,000 households and 29,000 jobs. This anticipated growth begins to overload the network, with many of the functionally classified roadways over capacity. VHT increases far outpace VMT increases, indicating significant congestion on the network. The percent of roadway links over capacity increases more than 10 times when compared to 2015. Many of the metro's most heavily traveled arterial roadways will continue to see growing congestion.

2045 Model Outputs

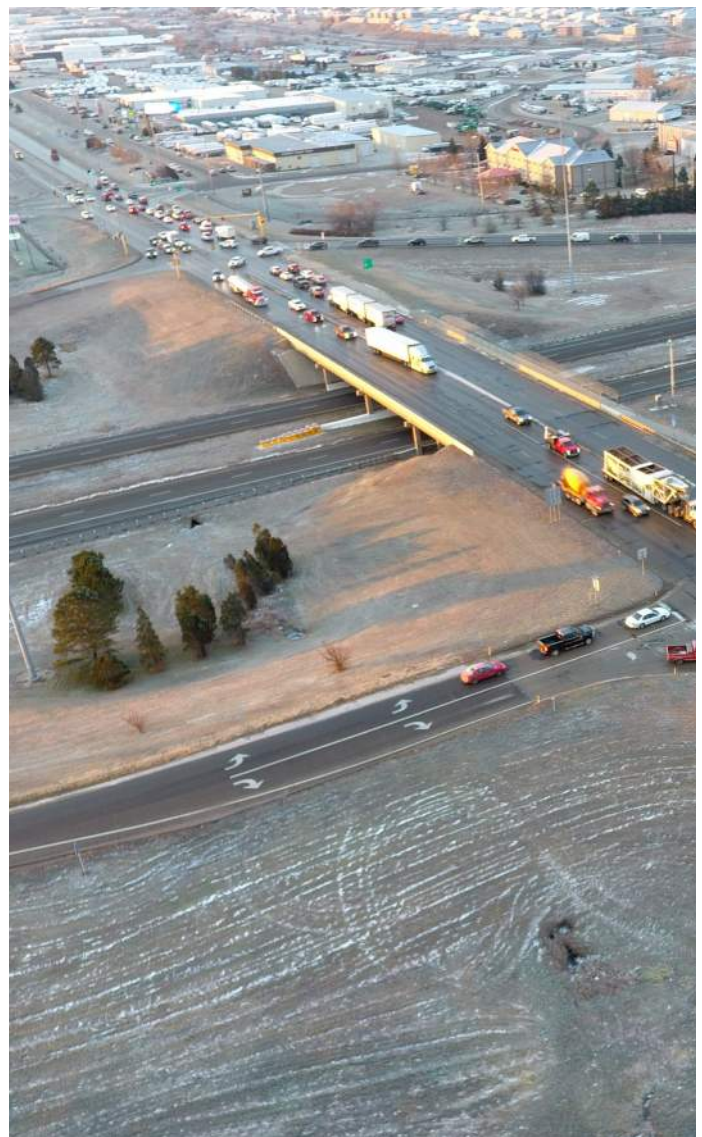
	2015	2045	2015-2045 Percent Change
VHT	28,605	55,650	94.5%
VMT	1,753,850	2,932,685	67.2%
% of Links Over Capacity	1.2%	13.6%	1,033.3%

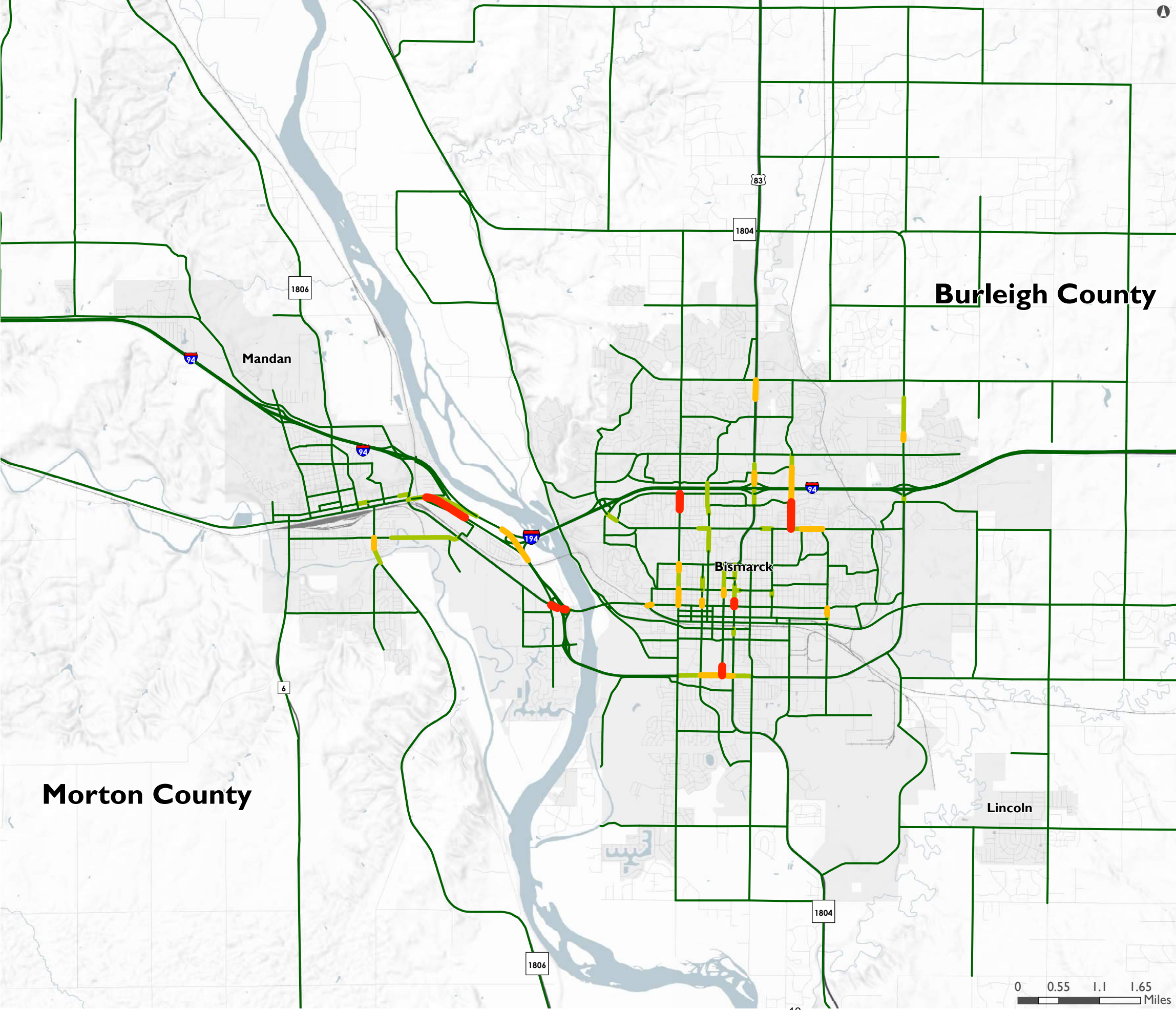
ALTERNATIVE ANALYSIS

The alternatives analysis for Arrive 2045 was a multi-phased approach to assist in the identification of projects that should be evaluated and prioritized through 2045. This process included the following analyses:

- » The Macro-Level Analysis evaluated large project concepts that would potentially address some of the most significant transportation issues, like new river crossings, interchanges, and other major connections.
- » The Interstate Analysis completed a more detailed evaluation of the I-94 and I-194 mainline and existing interchanges.
- » Smart Mobility workshop evaluated the impacts connected and autonomous vehicles and technology solutions could have on the transportation network.
- » Project Evaluation and Prioritization scored and ranked the universe of projects included in this MTP.

Growing Traffic Demands Along Centennial Road





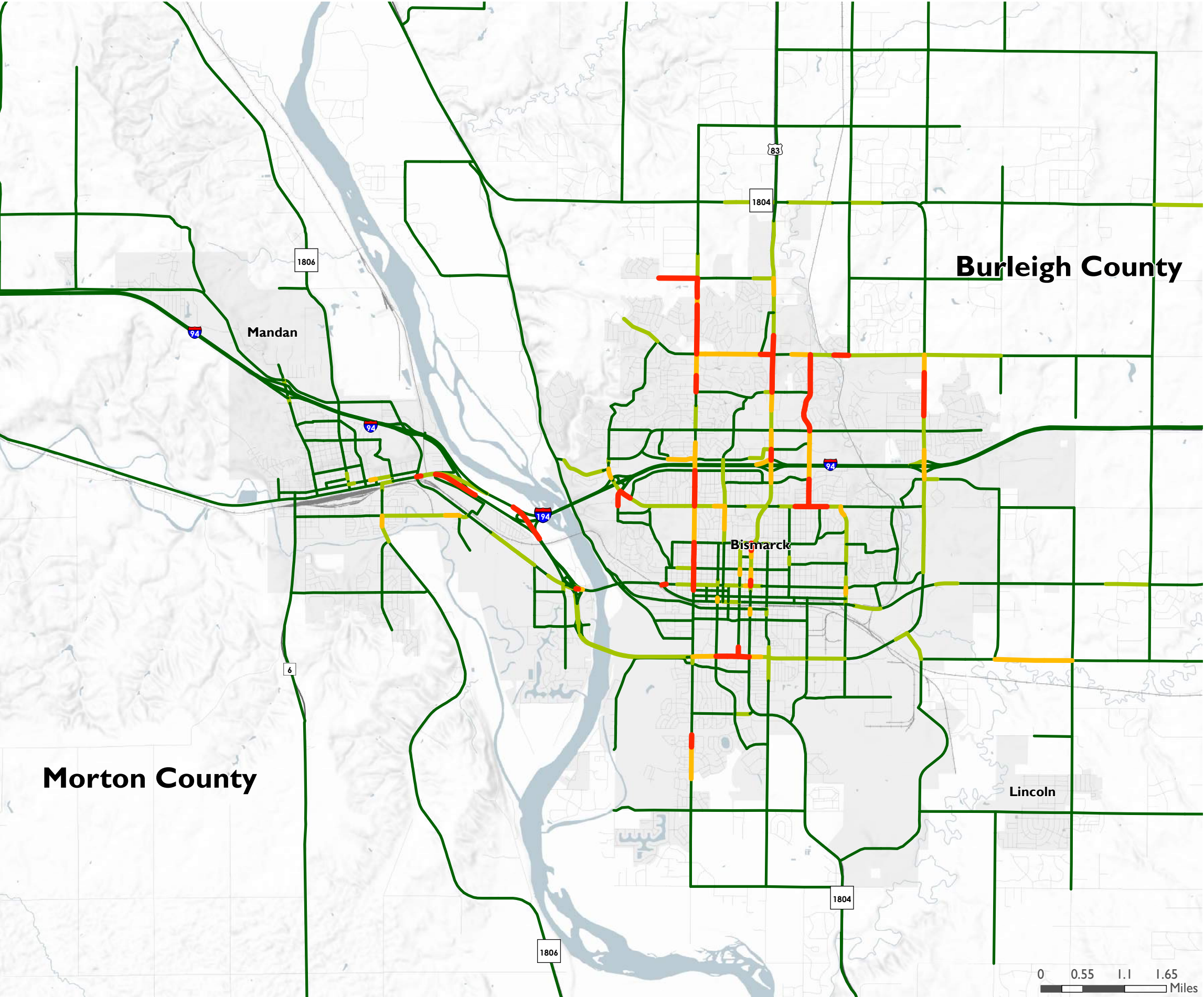
Existing and Committed Projects Only

Level of Service 2015

- Level of Service
- LOS F
 - LOS E
 - LOS D
 - LOS A-C



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Existing and Committed Projects Only

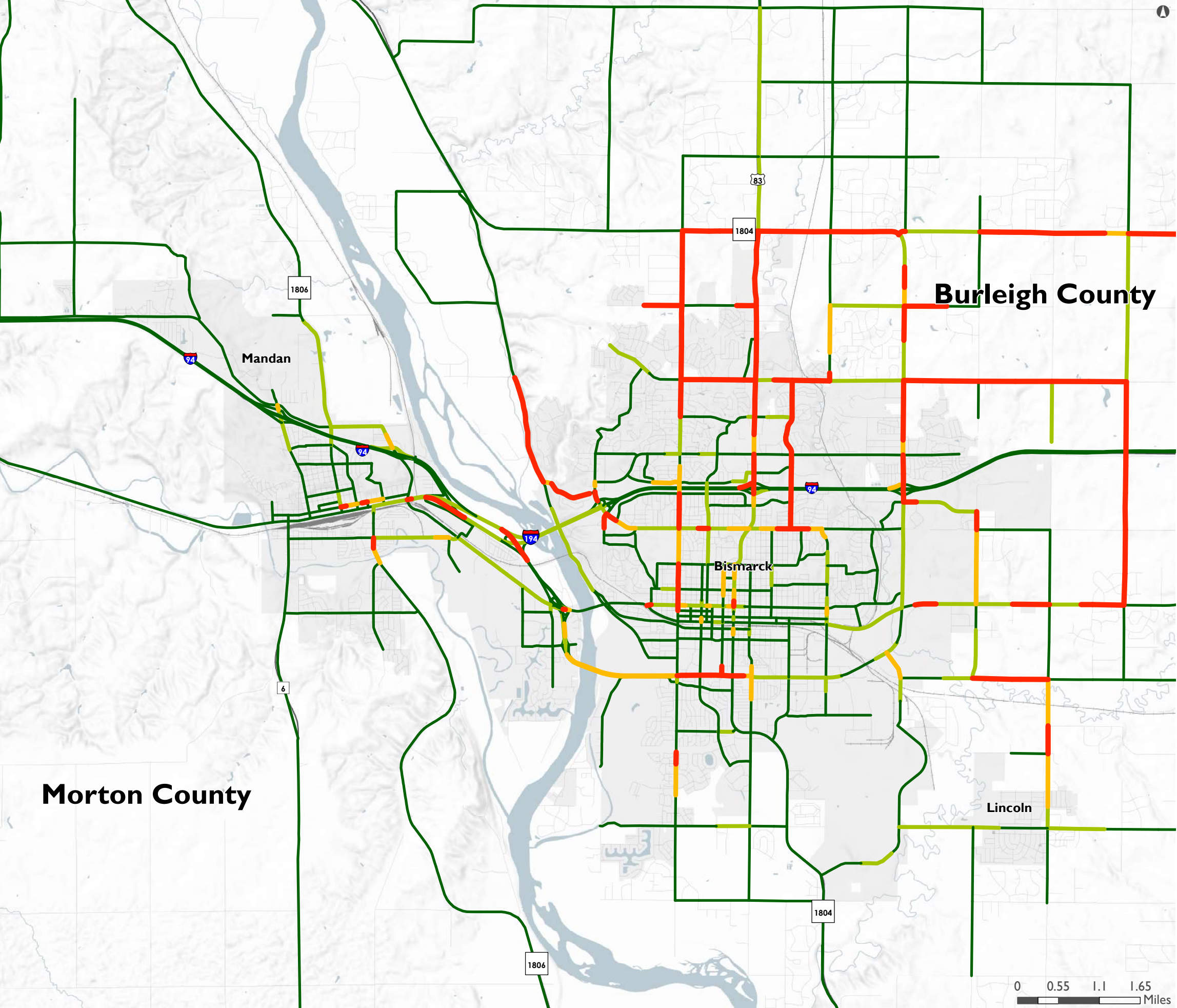
Level of Service 2030

LOS 2030

- F
- E
- D
- A-C



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Existing and Committed Projects Only

Level of Service 2045

- LOS 2045
- F
 - E
 - D
 - A-C



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FISCALLY CONSTRAINED PLAN

DEVELOPMENT OF THE FISCAL CONSTRAINT

Development of the project list for Arrive 2045 must be based on an established fiscal constraint agreed to between the Bismarck-Mandan MPO and NDDOT. Development of a fiscal constraint can be based on a variety of scenarios and data points regarding transportation funding programs. Five potential scenarios were evaluated based on historical spending and future programmed funds from the current Transportation Improvement Programs. These trends were extrapolated to 2045 and allocated to the different funding programs, including Urban Roads, Regional Roads, Interstate, Safety, and Transportation Alternatives. The scenario selected was reduced by expected preservation and maintenance costs and operations costs to ensure the fiscal constraint is sufficient to manage the existing transportation network before expansion projects were considered. The table below shows the funding available across all project areas and across the short-term (2024-2031), mid-term (2032-2038), and long-term (2039-2045).

PRIORITIZATION OF PROJECTS

To determine which projects would be selected given limited funds and in what time period the project would be proposed, all projects were prioritized through a three-step process including

- » Technical project evaluation based on the project goals and evaluation criteria. A composite score was calculated for each project based on the goal score times the goal weight which was developed as part of the public involvement process.
- » Public involvement during the second round of public meetings where the public could select their top priorities.
- » Steering Committee review of technical needs and construction feasibility.

Year	Urban	Regional	Interstate	Safety (State)	Safety (Urban)	TA + RTP
Base Year	\$3,936,368	\$4,581,824	\$5,120,750	\$699,713	\$651,250	\$233,750
2024	\$4,172,550	\$428,524	\$3,321,051	\$741,695	\$690,325	\$247,775
2025	\$4,235,138	\$399,247	\$3,318,193	\$752,821	\$700,680	\$251,492
2026	\$4,298,666	\$366,977	\$3,313,186	\$764,113	\$711,190	\$255,264
2027	\$4,363,145	\$331,568	\$3,305,912	\$775,575	\$721,858	\$259,093
2028	\$4,428,593	\$292,866	\$3,296,250	\$787,208	\$732,686	\$262,979
2029	\$4,495,022	\$250,712	\$3,284,073	\$799,016	\$743,676	\$266,924
2030	\$4,562,447	\$204,939	\$3,269,248	\$811,002	\$754,831	\$270,928
2031	\$4,630,884	\$155,372	\$3,251,638	\$823,167	\$766,154	\$274,992
Subtotal	\$29,967,507	\$2,430,206	\$26,359,550	\$6,254,597	\$5,821,400	\$2,089,447
2032	\$4,700,347	\$1,976,831	\$3,231,098	\$835,514	\$777,646	\$279,117
2033	\$4,770,852	\$1,919,128	\$3,207,477	\$848,047	\$789,311	\$283,303
2034	\$4,842,415	\$1,857,064	\$3,087,523	\$848,047	\$789,311	\$283,303
2035	\$4,915,051	\$1,790,436	\$3,055,866	\$860,768	\$801,150	\$287,553
2036	\$4,988,777	\$1,719,029	\$2,926,125	\$860,768	\$801,150	\$287,553
2037	\$5,063,608	\$1,642,620	\$2,885,684	\$873,679	\$813,168	\$291,866
2038	\$5,139,563	\$1,560,977	\$2,745,356	\$873,679	\$813,168	\$291,866
Subtotal	\$28,298,190	\$12,466,086	\$21,139,129	\$6,000,502	\$5,584,903	\$2,004,562
2039	\$5,216,656	\$1,473,859	\$2,695,322	\$886,784	\$825,365	\$296,244
2040	\$5,294,906	\$1,381,012	\$2,640,890	\$900,086	\$837,746	\$300,688
2041	\$5,374,329	\$1,282,174	\$2,581,847	\$913,587	\$850,312	\$305,198
2042	\$5,454,944	\$1,177,072	\$2,517,971	\$927,291	\$863,066	\$309,776
2043	\$5,536,769	\$1,065,420	\$2,449,034	\$941,201	\$876,012	\$314,423
2044	\$5,619,820	\$946,920	\$2,374,794	\$955,319	\$889,153	\$319,139
2045	\$5,704,117	\$821,264	\$2,295,002	\$969,648	\$902,490	\$323,926
Subtotal	\$30,144,852	\$8,147,721	\$17,554,860	\$6,493,916	\$6,044,144	\$2,169,395
Total	\$88,410,549	\$23,044,013	\$65,053,539	\$18,749,015	\$17,450,447	\$6,263,404

FISCALLY CONSTRAINED PROJECT LIST

Projects are assigned a time period based on their relative need. So, even if a project could be funded in a later phase, it is kept in the phase at which it is needed and would be listed as “illustrative” which allows for a better representation of unmet funding needs.

Short-Range Projects

The most significant time period and project list is the short-range list, which reflects projects from which to choose for developing the next five TIPs until Arrive 2045 is updated in 2025. Projects with a yellow fill are recommended for inclusion in the constrained plan and would reflect the MPO’s prioritized list.

Based on the identification of short range projects, below reflects the financial analysis for the years 2024 to 2031 of Arrive 2045, with a summary of the revenue programs below.

- » Urban Program
 - Requires \$16M to \$19M in Bismarck sales tax to balance program.
 - All Bismarck projects are sales tax eligible; sales tax benefit to the urban system is not fully shown in MTP financial analysis.
- » Regional Program
 - Program is balanced; however, P&M revenues needed to support low cost improvements on State Street.
 - Assumes constraint of low cost improvements on State Street while high cost improvements on State Street remain illustrative.
- » Interstate Program
 - Generally balanced, includes reconstruction of Exit 161.

Mid Range Projects

Projects with a yellow fill are recommended for inclusion in the constrained plan. Unlike the short-range project lists, there is no Urban Program priority. These projects can be prioritized as necessary.

Mid-Range Financial Analysis

Based on the identification of mid-range range projects, below reflects the financial analysis for the years 2032 to 2038 of Arrive 2045, with a summary of the revenue programs below.

- » Urban Program
 - Program slightly out of balance, likely balanced with use of Bismarck Sales Tax.
- » Regional Program
 - Program is balanced; however, requires use of P&M revenue to support program.
 - Assumes constraint of low cost improvements on State Street but high cost improvements on State Street remain illustrative.

- » Interstate Program

- Requires more capacity investment to support reconstruction of Exit 159; program still balanced.

Long-Range Projects

Projects with a yellow fill are recommended for inclusion in the constrained plan and can be prioritized as necessary.

Based on the identification of long-range range projects, below reflects the financial analysis for the years 2039 to 2045 of Arrive 2045, with a summary of the revenue programs below.

- » Urban Program
 - Program balanced.
- » Regional Program
 - Program is balanced; however, requires use of P&M revenue to support program.
 - Assumes constraint of low cost improvements on State Street while high cost improvements on State Street remain illustrative.
- » Interstate Program
 - No capacity programmed in long range (e.g. 66th Street Interchange not included in constrained MTP).

FISCALLY CONSTRAINED PROJECTS AND FUTURE NETWORK PERFORMANCE

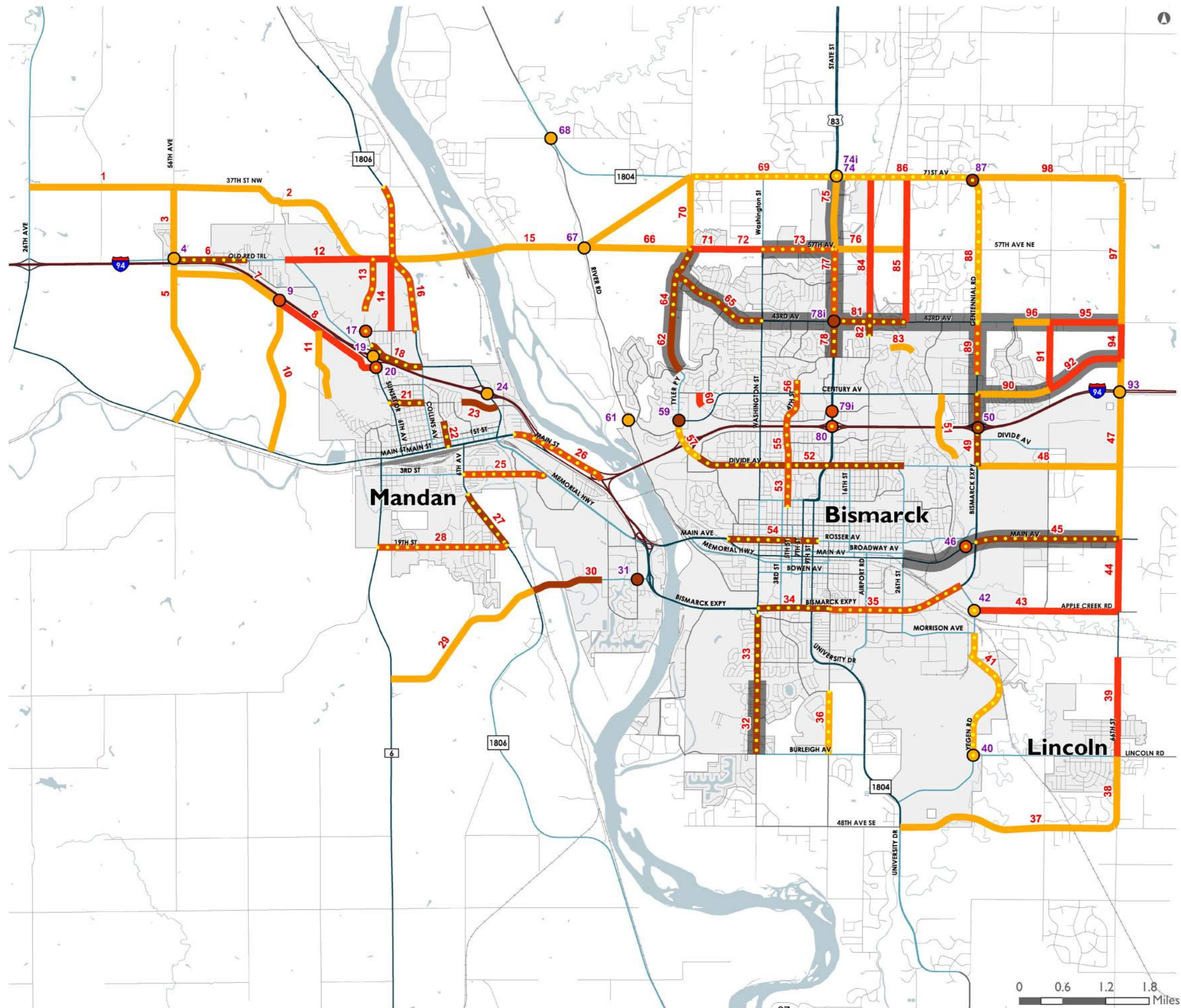
Projects that were cost constrained in the short-, mid-, and long-term were applied to the travel demand model. The prioritized and constrained projects reduce congestion, when compared to the 2030 and 2045 networks without these projects, but increase vehicle miles traveled.

2030 Fiscally Constrained Projects Model Outputs

	2015	2030	2015-2030 Percent Change
VHT	28,605	37,415	30.8%
VMT	1,753,850	2,489,035	41.9%
% of Links Over Capacity	1.2%	2.8%	133.3%

2045 Fiscally Constrained Projects Model Outputs

	2015	2045	2015-2045 Percent Change
VHT	28,605	49,235	72.1%
VMT	1,753,850	3,291,190	87.7%
% of Links Over Capacity	1.2%	7.6%	533.3%



Project Phasing

- Short Range Projects
- Mid Range Projects
- Long Range Projects
- Short Range Projects for Constrained Plan
- Mid Range Projects for Constrained Plan
- Long Range Projects for Constrained Plan
- Bismarck Sales Tax Eligible Corridors



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Short-Range Project List

ID	Location	Termini	Termini	Description	Phase	Cost	Year of Expenditure [YOE]	Program	Urban Program Priority
6	Old Red Trail	56th Avenue	40th Avenue NW	Reconstruct as 3-lane urban section.	Short	\$8,400,000	\$9,826,812	Urban	2
18	Old Red Trail	Sunset Drive	ND 1806 / Collins Avenue	Restripe for 3-lane urban section.	Short	\$39,500	\$46,209	Safety	
21	Division Street	Sunset Drive	ND 1806 / Collins Avenue	Reconstruction.	Short	\$2,500,000	\$2,924,646	Urban	5
22	3rd Avenue NE	Main Street	5th Street	Reconstruction.	Short	\$2,500,000	\$2,924,646	Urban (P&M)	7
23	Division Street	8th Avenue E	Mandan Avenue	Construct as 2-lane urban section.	Short	\$2,880,000	\$3,369,193	Urban	
27	Highway 1806	19th Street	Heart River Bridge	Pavement preservation project, including addition of turn lanes and signals at 8th Avenue and 19th Street.	Short	\$1,750,000	\$2,047,252	Regional	
30	McKenzie Road	Highway 1806	39th Avenue E	Construct as 2-lane rural section. Include new bridge across Heart River. Add signals at McKenzie Drive/ Bismarck Expressway ramps and at McKenzie Drive/40th Avenue.	Short	\$15,650,000	\$18,308,286	Urban	
31	McKenzie Road	46th Avenue SE		Intersection capacity improvement.	Short	\$2,500,000	\$2,924,646	Urban	
32	Washington Street	Burleigh Avenue	Drainage Channel	Reconstruct as 3-lane urban arterial.	Short	\$8,720,000	\$10,201,167	Urban	3
33	Washington Street	Drainage Channel	Denver Avenue	Turn lane improvements including restripe south of Reno Avenue as 3-lane section.	Short	\$39,000	\$45,624	Safety	
34	Bismarck Expressway	Washington Street	12th Street	Safety improvements.	Short	\$5,000,000	\$5,849,293	Safety	
45	Main Avenue	Bismarck Expressway	66th Street	Widen from 2-lane to 3-lane section (including intersection improvement at 52nd Street).	Short	\$10,020,000	\$11,721,983	Urban	6
49	Bismarck Expressway / Centennial Road	Divide Avenue	Century Avenue	Widen from 5-lane to 6-lane section.	Short	\$3,960,000	\$4,632,640	Mix	
50	Bismarck Expressway / Centennial Road	I-94		Interchange reconstruction.	Short	\$25,000,000	\$29,246,464	Interstate	
52	Divide Avenue	Turnpike Avenue	26th Street	Restripe as 3-lane urban section.	Short	\$143,500	\$167,875	Safety	
54	Rosser Avenue	Main Avenue	10th Street	Restripe as 3-lane urban section.	Short	\$62,000	\$72,531	Safety	
59	Century Avenue	Tyler Parkway		Intersection capacity improvement.	Short	\$2,500,000	\$2,924,646	Urban	
62	Tyler Parkway	Valley Drive	43rd Avenue	Construct as 2-lane urban section.	Short	\$4,260,000	\$4,983,597	Urban	
64	Tyler Parkway	43rd Avenue	57th Avenue	Overlay existing roadway to 2-lane rural section.	Short	\$500,000	\$584,929	Urban	8
65	Ash Coulee Drive	Tyler Parkway	Washington Street	Widen from 2-lane to 3-lane urban section.	Short	\$5,240,000	\$6,130,059	Urban	4
78	State Street	Calgary Avenue	43rd Avenue	At grade improvements: Calgary Avenue and 43rd Avenue; widening to 6-lane urban section from Calgary Avenue through 43rd Ave intersection.	Short	\$15,185,000	\$17,764,302	Regional	
78i	State Street	43rd Avenue		Grade separation.	Short	\$30,000,000	\$35,095,757	Regional	
81	43rd Avenue	State Street	26th Street	Construct 3-lane or 5-lane urban section.	Short	\$10,000,000	\$11,698,586	Urban	1
82	19th Street	North Valley Loop/Yucca Avenue	43rd Avenue	Reconstruct as 3-lane urban section.	Short	\$1,380,000	\$1,614,405	Urban	1
87	71st Avenue	Centennial Road		Intersection capacity improvement.	Short	\$2,500,000	\$2,924,646	Safety	
TBD	State Street	Calgary Avenue	43rd Avenue	Shared use path.	Short	\$1,000,000	\$1,169,859	Regional	

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Mid-Range Project List

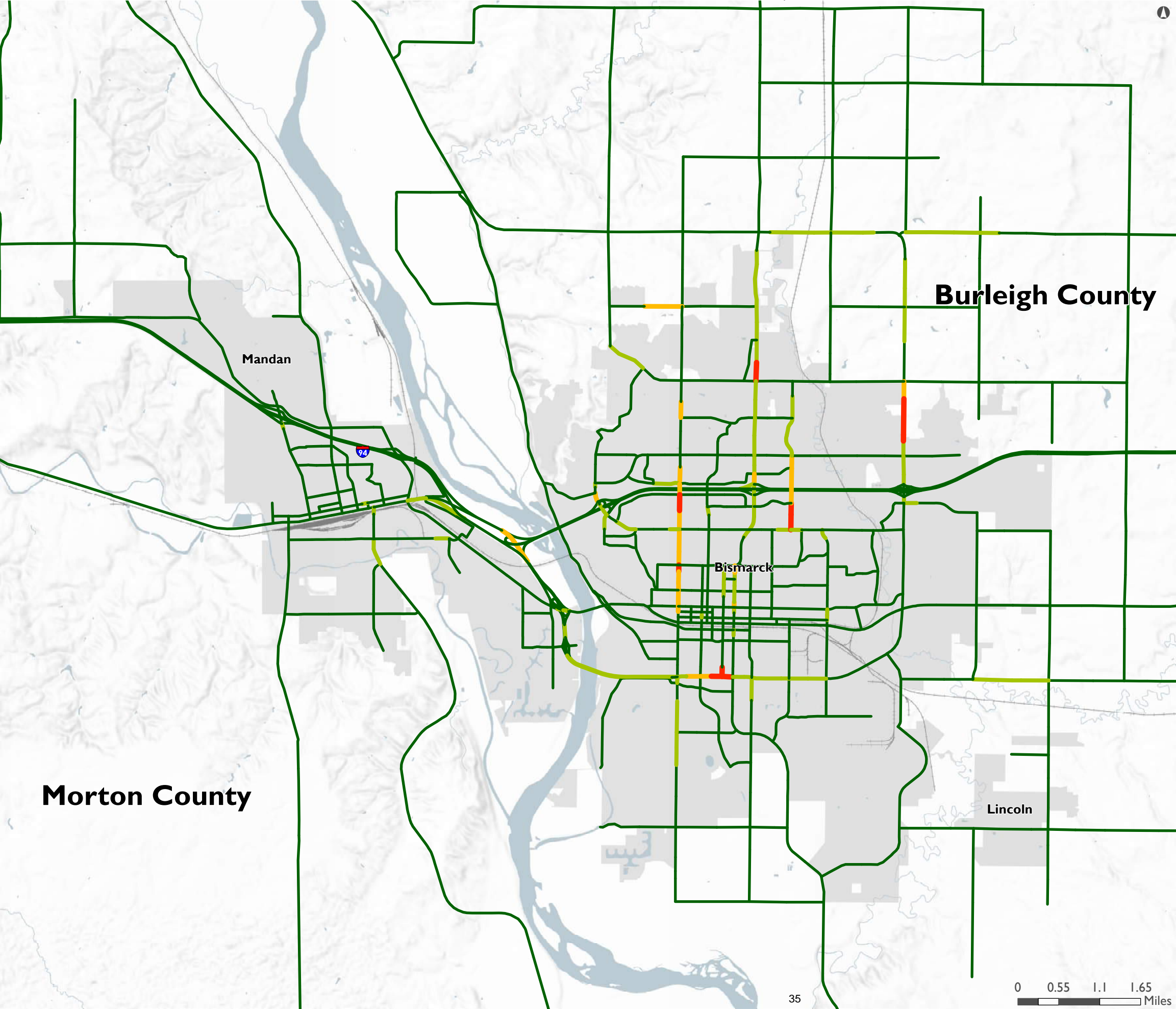
ID	Location	Termini	Termini	Description	Phase	Cost	Year of Expenditure [YOE]	Program
8	Boundary Road	32nd Avenue	Sunset Drive	Construct as 3-lane urban section.	Mid	\$12,640,000	\$20,237,047	Urban
9	32nd Avenue	I-94		Grade separation.	Mid	\$15,000,000	\$24,015,483	Urban
12	38th Street NW	Old Red Trail	Collins Avenue / ND 1806	Construct as 2-lane urban section.	Mid	\$8,700,000	\$13,928,980	Urban
13	Sunset Drive	Middle School	38th Street	Construct as 2-lane urban section.	Mid	\$4,500,000	\$7,204,645	Urban
14	8th Avenue NW	27th Street	38th Street	Construct as 2-lane urban section.	Mid	\$6,000,000	\$9,606,193	Urban
16	ND 1806	Old Red Trail	37th Street	Intersection capacity improvement, add turn lanes at key intersections. (Assume minor intersection improvements to match new 37th St section)	Mid	\$2,711,000	\$4,340,398	Regional (P&M)
17	27th Street N / Sunset Drive Intersection	Sunset Drive		Intersection capacity improvement.	Mid	\$2,500,000	\$4,002,581	Safety
20	Boundary Road	Sunset Drive		Signalize and stripe turn lanes on all approaches.	Mid	\$350,000	\$560,361	Safety
25	3rd Street	6th Avenue / ND1806	Memorial Highway	Restripe to include turn lanes or restripe to 3-lane section with center turn lane and no parking.	Mid	\$57,000	\$91,259	Safety
26	I-94	I-194		Additional westbound lane from I-94/I-194 to Main St/Exit 155.	Mid	\$6,000,000	\$9,606,193	Interstate
28	19th Street SE	ND 6	ND1806	Reconstruct as 3-lane urban section.	Mid	\$14,400,000	\$23,054,864	Urban
35	Bismarck Expressway	12th Street	Yegen Road	Implement 3/4 access control at 5 intersections and add right turn at Airport Road.	Mid	\$500,000	\$800,516	Regional (P&M)
39	66th Street	Lincoln Road	Northgate Drive	Widen from 2-lane to 3-section.	Mid	\$5,480,000	\$8,773,657	Urban
43	Apple Creek Road	Yegen Road	66th Street	Intersection capacity improvements at all intersections.	Mid	\$5,000,000	\$8,005,161	Urban
44	66th Street	Apple Creek	Highway 10/ Old Main Avenue	Widen from 2-lane to 3-section.	Mid	\$4,040,000	\$6,468,170	Urban
46	Main Avenue	Hay Creek Crossing		Structural replacement.	Mid	\$500,000	\$800,516	Regional (P&M)
53	4th Street	Boulevard Avenue	Divide Avenue	4th Street signal timing Improvements, stripe turn lanes at key intersections, potential new signal at Turnpike.	Mid	\$278,500	\$445,887	Safety
55	4th Street	Divide Avenue	Century Avenue	4th Street signal timing Improvements, stripe turn lanes at key intersections, potential new signal at Turnpike.	Mid	\$303,000	\$485,113	Safety
56	4th Street	Century Avenue	Montreal Street	4th Street signal timing Improvements, stripe turn lanes at key intersections, potential new signal at Turnpike.	Mid	\$275,000	\$440,284	Safety
60	Interstate Avenue	Country West Road	Country West Road	Construct as 2-lane urban section.	Mid	\$1,140,000	\$1,825,177	Urban
71	57th Avenue	Tyler Parkway	Crested Butte Road	Construct as 3-lane rural section.	Mid	\$3,150,000	\$5,043,251	Urban
72	57th Avenue	Crested Butte Road	Washington Street	Construct as 3-lane rural section.	Mid	\$3,710,000	\$5,939,830	Urban
73	57th Avenue	Washington Street	State Street	Construct as 3-lane rural section.	Mid	\$7,000,000	\$11,207,226	Urban
77	State Street	43rd Avenue	57th Avenue	Widen to 6-lanes from N of 43rd through 57th; intersection improvement at 57th.	Mid	\$11,350,000	\$18,171,716	Regional
79i	State Street	Interstate Boulevard		Grade separation.	Mid	\$23,000,000	\$36,823,741	Regional
80	State Street	I-94		Interchange reconstruction.	Mid	\$21,000,000	\$33,621,677	Interstate
84	19th Street	Skyline Boulevard	71st Avenue	Construct as 3-lane urban section.	Mid	\$15,040,000	\$24,079,525	Urban
85	26th Street	43rd Avenue	71st Avenue	Construct as 3-lane rural section.	Mid	\$16,000,000	\$25,616,515	Urban
89	Centennial Road	Jericho Road	43rd Avenue	Widen from 3-lane to 5-lane urban section.	Mid	\$2,800,000	\$4,482,890	Urban
91	52nd Street	Century Avenue	43rd Avenue	Reconstruct as 3-lane rural section.	Mid	\$7,440,000	\$11,911,680	Urban
92	Century Avenue	52nd Street	66th Street	Construct 3-lane urban section.	Mid	\$9,040,000	\$14,473,331	Urban
94	66th Street	Century Avenue	43rd Avenue	Reconstruct as 3-lane urban section.	Mid	\$4,190,000	\$6,708,325	Urban
95	43rd Avenue	52nd Street	66th Street	Widen from 2-lane to 3-lane or 5-lane urban section.	Mid	\$8,000,000	\$12,808,258	Urban

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Long-Range Project List

ID	Location	Termini	Termini	Description	Phase	Cost	Year of Expenditure [YOE]	Program
1	37th Street NW	ND 25	56th Avenue	Construct 2-lane urban section.	Long	\$12,060,000	\$24,431,347	
2	37th Street NW	56th Avenue	ND 1806	Construct 3-lane urban section.	Long	\$27,920,000	\$56,560,797	
3	56th Avenue	Old Red Trail	37th Street	Reconstruct as 3-lane urban section .	Long	\$8,000,000	\$16,206,532	Urban
4	56th Avenue NW	I-94		New interchange.	Long	\$25,000,000	\$50,645,413	Interstate
5	56th Avenue NW	I-94 Business Loop (Main Street)	Old Red Trail	Construct as 3-lane urban section.	Long	\$19,280,000	\$39,057,742	Urban
7	Boundary Road	56th Avenue / I-94 Interchange	32nd Avenue	Construct as 3-lane urban section.	Long	\$13,200,000	\$26,740,778	Urban
10	32nd Avenue W	I-94 Business Loop (Main Street)	Boundary Road (Future)	Construct as 2-lane urban section.	Long	\$12,660,000	\$25,646,837	Urban
11	31st Street	Lohstreter Road	Boundary Road (Future)	Construct as 2-lane urban section.	Long	\$5,940,000	\$12,033,350	Urban
15	Northern Bridge Corridor	38th Street (Mandan)	River Road	Construct as 2-lane rural section. Include new bridge across Heart River. Add signals at McKenzie Drive / Bismarck Expressway ramps and at McKenzie Drive / 40th Avenue.	Long	\$62,450,000	\$126,512,241	
19	Sunset Drive	I-94		Interchange reconstruction.	Long	\$25,000,000	\$50,645,413	Interstate
24	Mandan Avenue	I-94		Interchange reconstruction.	Long	\$25,000,000	\$50,645,413	Interstate
29	McKenzie Road	ND 6	ND 1806	Construct as 2-lane rural section.	Long	\$12,550,000	\$25,423,997	Urban
36	12th Street	Burleigh Avenue	Santa Fe Avenue	Add turn lanes at Santa Fe Avenue and Burleigh Avenue.	Long	\$1,000,000	\$2,025,817	Safety
37	48th Avenue S	University Drive	66th Street	Construct 2-lane rural section and structure improvements at Apple Creek crossing.	Long	\$19,800,000	\$40,111,167	Urban
38	66th Street	48th Avenue S	Lincoln Road	Reconstruct as 2-lane urban section.	Long	\$5,880,000	\$11,911,801	Urban
40	Lincoln Road	Yegen Road / Airway Avenue		Intersection capacity improvement.	Long	\$2,500,000	\$5,064,541	Safety
41	Yegen Road	Lincoln Road	Morrison Avenue	Add 6 new turn lanes in key locations.	Long	\$1,500,000	\$3,038,725	Safety
42	Apple Creek Road	Yegen Road		Intersection capacity improvement.	Long	\$2,500,000	\$5,064,541	Safety
47	66th Street	Highway 10 / Old Main Avenue	Century Avenue	Construct as 3-lane urban section (tied with project for interchange with I-94 at 66th Street).	Long	\$19,920,000	\$40,354,265	Urban
48	Divide Avenue	Bismarck Expressway	66th Street	Reconstruct as 3-lane urban section.	Long	\$15,200,000	\$30,792,411	Urban
51	Hamilton Street / Channel	Divide Avenue	Century Avenue	Construct as 2-lane urban section with grade separation.	Long	\$20,940,000	\$42,420,598	Urban
57	Tyler Parkway	Schafer Road	Burnt Board Drive	Intersection capacity improvement. Add turn lanes and include safety improvements.	Long	\$750,000	\$1,519,362	Urban
61	Burnt Boat Drive	River Road		Intersection capacity improvement.	Long	\$2,500,000	\$5,064,541	Urban
66	57th Avenue	River Road	Tyler Parkway	Construct as 3-lane rural section.	Long	\$10,220,000	\$20,703,845	Urban
67	Burnt Creek Loop South (57th Avenue)	River Road		Intersection capacity improvement.	Long	\$2,500,000	\$5,064,541	Urban
68	Burnt Creek Loop North / River Road	ND 1804		Intersection capacity improvement.	Long	\$2,500,000	\$5,064,541	Regional
69	71st Avenue/ ND 1804	15th Street/Tyler Parkway	State Street	Widen from 2-lane to 4-lane section.	Long	\$10,150,000	\$20,562,038	Regional
70	Tyler Parkway	57th Avenue	ND 1804 / 71st Avenue	Construct as 3-lane urban section.	Long	\$7,920,000	\$16,044,467	Urban
74	71st Street	State Street		Intersection capacity improvement.	Long	\$2,200,000	\$4,456,796	Regional
74i	71st Street	State Street		Grade separation.	Long	\$25,000,000	\$50,645,413	Regional
75	State Street	57th Avenue	71st Avenue	Widen to 6-lanes from 57th Avenue to ND 1804/ 71st Avenue.	Long	\$12,600,000	\$25,525,288	Regional
76	57th Avenue	State Street	26th Street	Construct 3-lane urban section.	Long	\$7,680,000	\$15,558,271	Urban
83	Calgary Avenue	DMVW Railroad	Haycreek Road	Construct 2-lane urban section across DMVW RR with grade separation.	Long	\$36,980,000	\$74,914,695	Urban
86	71st Avenue	State Street	Centennial Road	Widen from 2-lane to 3-lane rural section.	Long	\$7,280,000	\$14,747,944	Urban
88	Centennial Road	43rd Avenue	71st Avenue	Widen from 2-lane to 3-lane rural section.	Long	\$7,960,000	\$16,125,499	Urban
90	Century Avenue	Centennial Road	52nd Street	Reconstruct as 5-lane urban section.	Long	\$10,875,000	\$22,030,755	Urban
93	I-94	66th Street		New interchange.	Long	\$25,000,000	\$50,645,413	Interstate
96	43rd Avenue	Roosevelt Drive	52nd Street	Widen from 2-lane to 3-lane urban section.	Long	\$1,960,000	\$3,970,600	Urban
97	66th Street	43rd Avenue	71st Avenue	Reconstruct/New Construct as a 3-lane urban section.	Long	\$15,600,000	\$31,602,738	Urban
98	71st Avenue	Centennial Road	66th Street	33 Reconstruct as a 3-lane urban section.	Long	\$16,160,000	\$32,737,195	Urban

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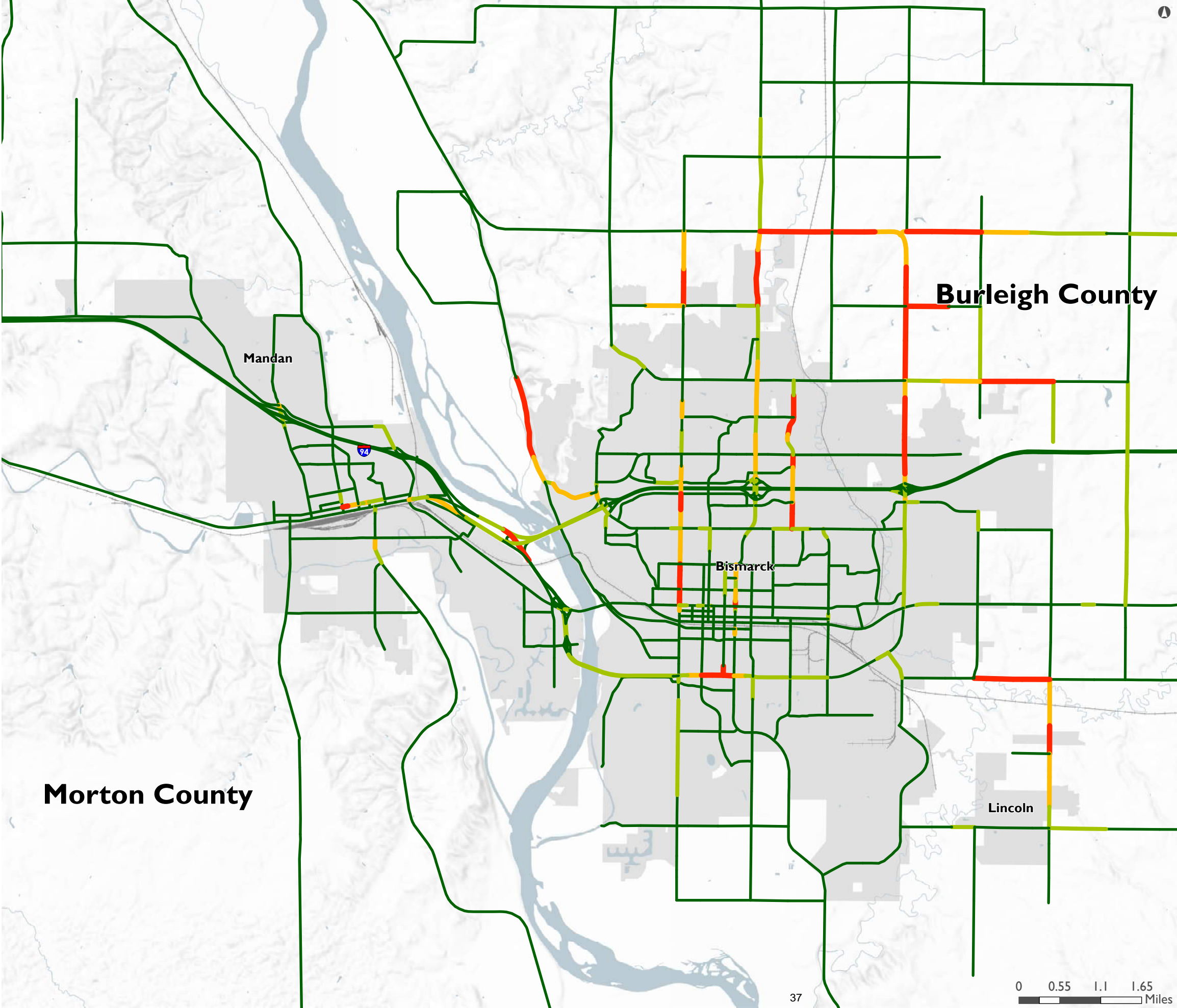
Constrained Projects

Level of Service 2030

LOS 2030

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Constrained Projects

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STAFF REPORT

City of Bismarck
Community Development Department
Planning Division

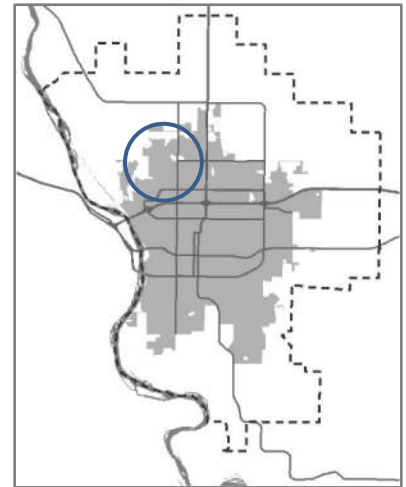
Agenda Item # 3
February 26, 2020

Application for: Zoning Change

TRAKiT Project ID: ZC2020-001

Project Summary

<i>Title:</i>	Lot 4, Block 2, KMK Estates (Huntington Cottage Second Addition)
<i>Status:</i>	Planning & Zoning Commission – Consideration
<i>Owner(s):</i>	Chris Wentz (owner) Huntington Enterprises, Inc. (applicant)
<i>Project Contact:</i>	Ken Nysether, PE, SEH
<i>Location:</i>	In north Bismarck, west of North Washington Street, along the south side of Colt Avenue
<i>Project Size:</i>	4.54 acres
<i>Request:</i>	Rezone and replat property to allow future development of two-family residences



Site Information

Existing Conditions

<i>Number of Lots:</i>	1 lot in 1 block
<i>Land Use:</i>	Single-Family Residential
<i>Designated GMP</i> <i>Future Land Use:</i>	Already zoned. Not in Future Land Use Plan
<i>Zoning:</i>	R5 – Residential
<i>Uses Allowed:</i>	R5 – Single-family residential
<i>Max Density</i> <i>Allowed:</i>	R5 – 5 units / acre

Proposed Conditions

<i>Number of Lots:</i>	22 lots in 1 block
<i>Land Use:</i>	Two-Family Residential
<i>Designated GMP</i> <i>Future Land Use:</i>	Already zoned. Not in Future Land Use Plan
<i>Zoning:</i>	R10 – Residential
<i>Uses Allowed:</i>	R10 – Single and two-family residential
<i>Max Density</i> <i>Allowed:</i>	R10 – 10 units / acre

Property History

<i>Zoned:</i>	2/2016	<i>Platted:</i>	8/1966	<i>Annexed:</i>	11/2014
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Staff Analysis

Chris Wentz is requesting approval of a zoning change from the R5 – Residential zoning district to the R10 –

Residential zoning district for Lot 4, Block 2, KMK Estates.

(continued)

Adjacent uses include single-family residential to the north across Colt Avenue, a religious institution to the east, and single-family residential to the south and west.

The applicant has also requested a minor subdivision final plat (Huntington Cottage Second Addition) to replat this area from one lot to 22 lots. The plat will be considered in connection with the public hearing for this zoning change.

Required Findings of Fact (relating to land use)

1. The proposed zoning change is in a developed area of the community and is outside of the Future Land Use Plan in the 2014 Growth Management Plan, as amended;
2. The proposed zoning change is compatible with adjacent land uses and zoning;
3. The City of Bismarck and/or other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the new zoning classification at the time the property is developed;
4. The proposed zoning change is justified by a change in conditions since the previous zoning classification was established or by an error in the zoning map;

5. The zoning change is in the public interest and is not solely for the benefit of a single property owner;
6. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance;
7. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
8. The proposed zoning change would not adversely affect the public health, safety, and general welfare.

Staff Recommendation

Based on the above findings, staff recommends scheduling a public hearing for the zoning change from the R5 – Residential zoning district to the R10 – Residential zoning district for Lot 4, Block 2, KMK Estates.

Attachments

1. Location Map
2. Aerial Map
3. Zoning and Plan Reference Map

Staff report prepared by: Will Hutchings, Planner

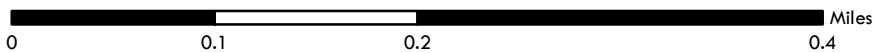
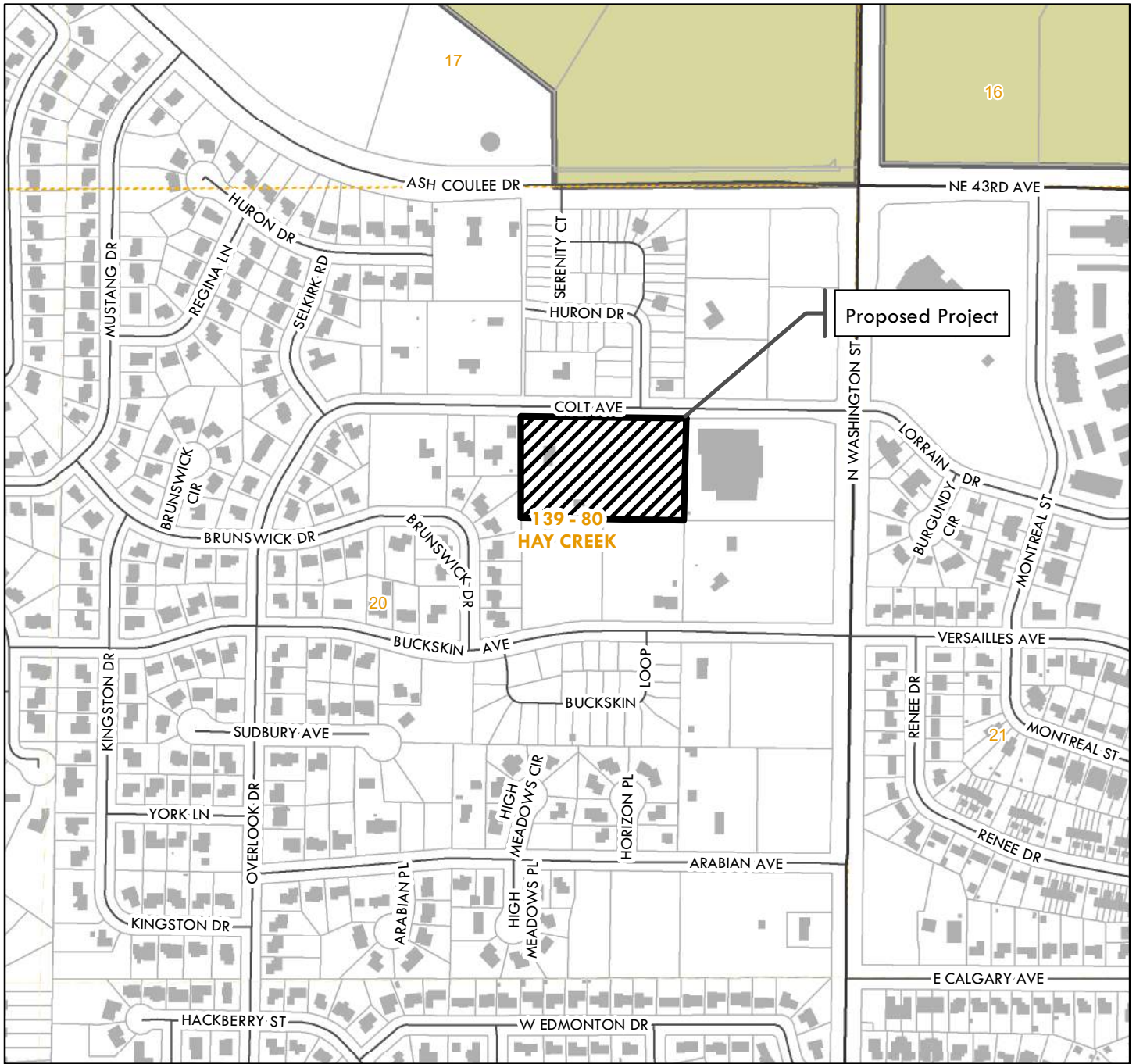
701-355-1850 | whutchings@bismarcknd.gov



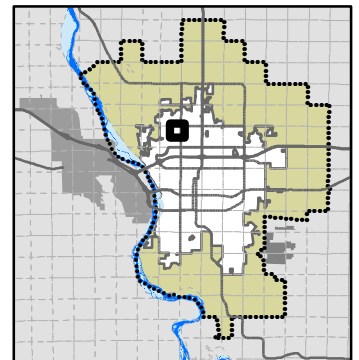
Location Map

Huntington Cottages Second Addition

MPLT2020-002
ZC2020-001



Section, township, and range indicated in orange



City of Bismarck
Community Development Department
Planning Division
January 27, 2020 (HLB)

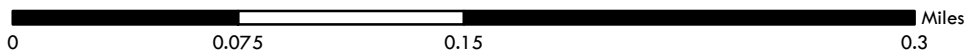
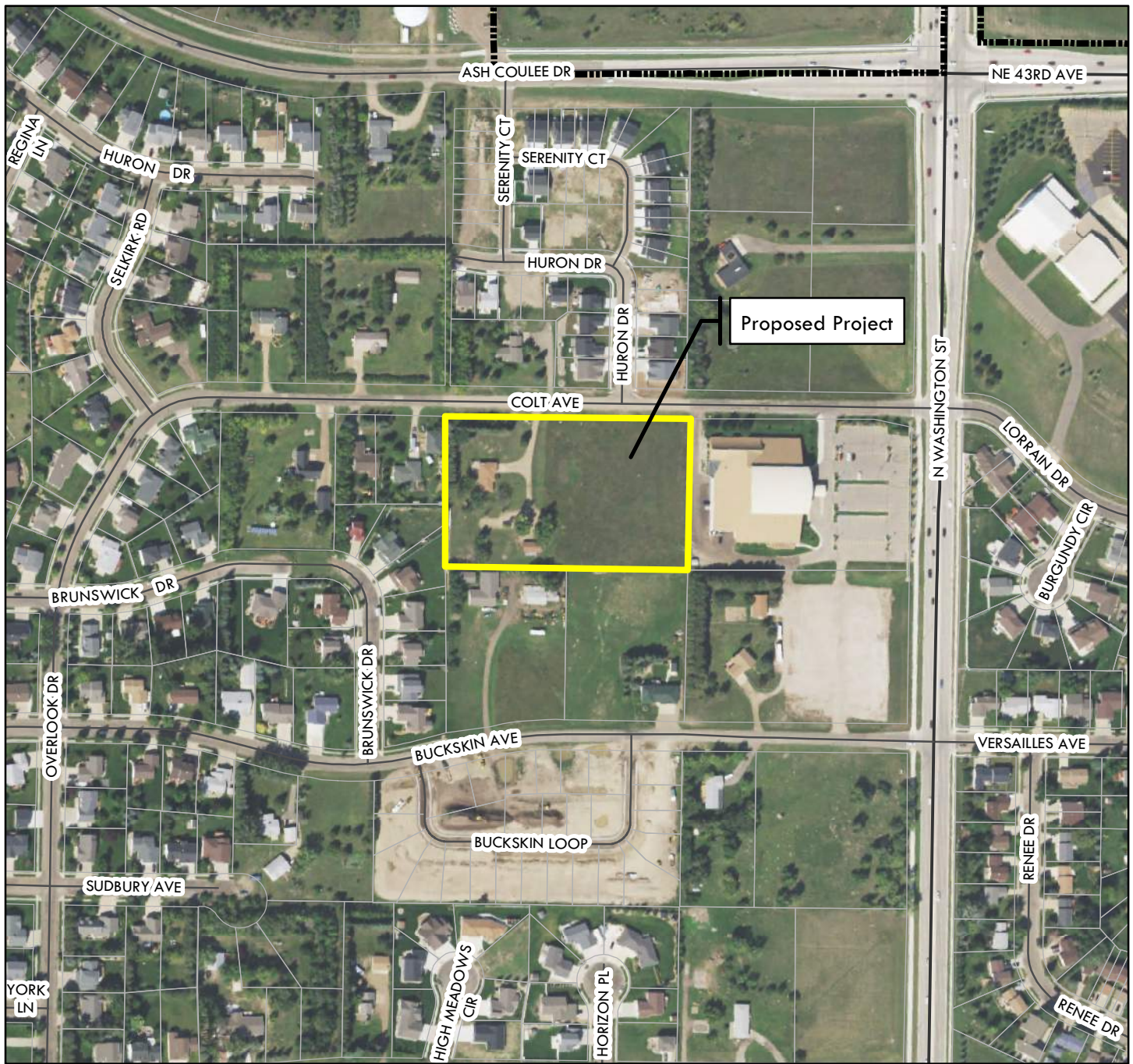
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Aerial Map

Huntington Cottages Second Addition

MPLT2020-002
ZC2020-001

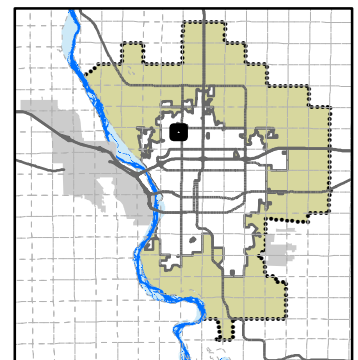


 City Limits  Bismarck ETA Jurisdiction

Aerial Imagery from 2018

City of Bismarck
Community Development Department
Planning Division
February 20, 2020

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Zoning and Plan Reference Map

Huntington Cottages Second Addition

MPLT2020-002

ZC2020-001

 Project Area - No Change Proposed

 Zoning or Plan Change Proposed

Zoning Districts

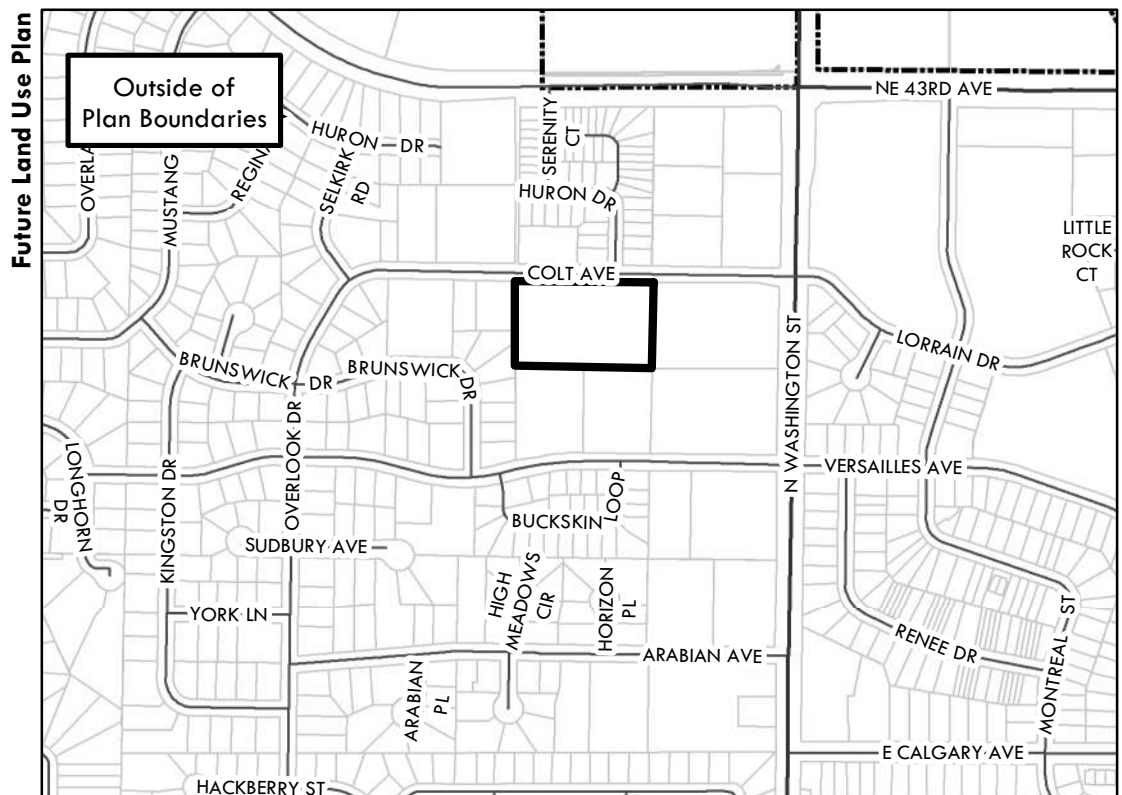
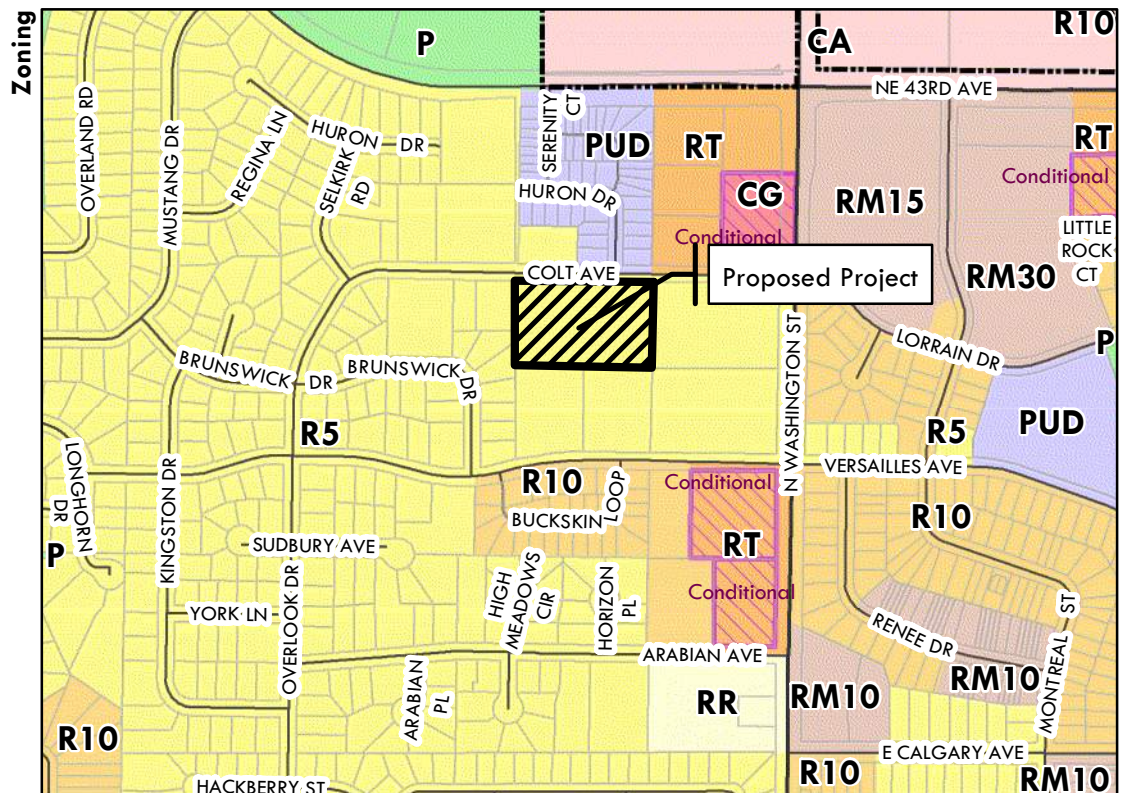
A	Agriculture
RR	Rural
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential
RT	Multifamily (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe

Diagonal lines indicate special condition

Future Land Use Plan

CONSRV	Conservation
BP	Business Park
C	Commercial
C/MU	Commercial/Mixed Use
CIVIC	Civic
HDR	High Density Residential
I	Industrial
LDR	Low Density Residential
MDR	Medium Density Residential
MDR-/MU	Medium Density Residential/Mixed Use
O/MU	Office/Mixed Use
RR-C	Clustered Rural Residential
RR	Standard Rural Residential
UR	Urban Reserve

Fringe Area Road Master Plan



0 0.1 0.2 0.4 Miles

 City Limits

This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.



City of Bismarck
Community Development Dept.
Planning Division
February 20, 2020



STAFF REPORT

City of Bismarck
Community Development Department
Planning Division

Agenda Item # 4
February 26, 2020

Application for: Zoning Ordinance Text Amendment

TRAKiT Project ID: ZOTA2019-003

Project Summary

Title:	Off-Street Parking and Loading
Status:	Planning & Zoning Commission – Consideration
Project Contact:	Jenny Wollmuth, AICP, CFM, Planner
Sections Amended:	Section 14-02-03 (Definitions) Section 14-03-08 (Special Uses) Section 14-03-10 (Off-Street Parking and Loading)
Request:	Adopt revisions to the existing Off-Street Parking and Loading requirements

Staff Analysis

Community Development Department – Planning Division staff is initiating a zoning ordinance text amendment to revise the existing Off-Street Parking and Loading requirements outlined in the City of Bismarck's zoning ordinance, Title 14 of the City Code of Ordinances. The revisions to existing requirements are being proposed to prepare for changes to mobility demands, reduce the number of variances for Off-Street parking and to align with current and anticipated development trends.

Variance requests can be an indicator of needed revisions to the zoning ordinance. Requests to reduce Off-Street parking and loading requirements are one of the more common variance requests the Board of Adjustment considers. Roughly 22% of all variances requested in the past 5 years are related to Off-Street parking and loading requirements. Through the variance process, there has been a reduction of approximately 1,200 Off-Street parking spaces since 2014.

The first Off-Street parking and loading requirements for Bismarck appeared in the 1953 Zoning Ordinance. Periodic changes have occurred over the years to keep pace with development trends. In 2015, 2016, and 2017 planning staff initiated amendments to modify Off-Street parking and loading requirements. These

modifications reduced parking requirements for certain uses, clarified how parking is calculated, and provided some flexibility to the Zoning Administrator to determine required parking for certain uses. However, even with these modifications, Planning staff have continued to observe an increase in requests to vary from existing Off-Street parking and loading requirements.

Modifications to the existing Off-Street parking requirements have also been identified as implementation strategies in the Infill and Redevelopment Plan and the Strategic Plan.

Ordinance Update Process

Planning staff have relied on data from peer communities, professional organizations, such as the American Planning Association and the Institute of Transportation Engineers, and stakeholder input to create the proposed amendments to the ordinance.

Early in the process, a stakeholder group comprised of industry professionals including, engineers, realtors, developers and City staff was created to help draft the proposed ordinance. The stakeholder group also includes a member of the Bismarck Board of Adjustment, a member of the Planning and Zoning Commission and the Mayor.

(continued)

Planning staff began working with the stakeholder group in the fall of 2019. Since then, four stakeholder meetings have been held. Staff anticipates additional stakeholder meetings prior to the public hearing on the proposed ordinance. Staff is also proposing to hold a public input meeting in early March.

Changes to existing requirements

Although amendments have been made to the Off-Street parking and loading section of the zoning code, much of the original formatting has remained. The revisions include reformatting this section in addition to the following notable changes:

1. Exemptions to parking within the DC – Downtown Core, DF – Downtown Fringe and HM – Health Medical zoning districts;
2. Allowing adjacent on-street parking to count toward required parking;
3. A 20 percent reduction for parking calculations based on gross floor area to account for spaces utilized for restrooms, kitchens, storage areas, utility rooms and circulation;
4. An additional 10 percent reduction for mixed-use buildings;
5. The addition of a new category for low and moderate income multi-family housing;
6. Reduction for adding bicycle parking, and;
7. The addition of a new section that will allow Planning staff the authority to administratively approve parking alternatives such as shared parking, based on certain conditions, rather

than requesting a variance from the Board of Adjustment.

Required Findings of Fact (relating to land use)

1. The proposed text amendment would not adversely affect the public health, safety or general welfare;
2. The proposed text amendment is justified by a change in conditions since the zoning ordinance was originally adopted or clarifies a provision that is confusing, in error or otherwise inconsistent with the general intent and purpose of the zoning ordinance;
3. The proposed text amendment is consistent with the general intent and purpose of the zoning ordinance; and
4. The proposed text amendment is consistent with the master plan, other adopted plans, policies and accepted planning practice.

Staff Recommendation

Based on the above findings, staff recommends scheduling a public hearing for the zoning ordinance text amendment for Sections 14-02-03 (Definitions), 14-03-08 (Special Uses) and 14-03-10 (Off-Street Parking and Loading), as presented in the draft ordinance attached to the staff report.

Attachments

1. Draft zoning ordinance amendment

Staff report prepared by: Jenny Wollmuth, AICP, CFM, Planner
701-355-1845 | jwollmuth@bismarcknd.gov

<i>First Reading</i>	_____
<i>Second Reading</i>	_____
<i>Final Passage and Adoption</i>	_____
<i>Publication Date</i>	_____

AN ORDINANCE TO AMEND AND RE-ENACT SECTIONS 14-02-03 AND 14-03-08, AND REPEAL AND RE-ENACT SECTION 14-03-10 OF THE 1986 CODE OF ORDINANCES, OF THE CITY OF BISMARCK, NORTH DAKOTA, AS AMENDED, RELATING TO OFF-STREET PARKING AND LOADING

BE IT ORDAINED BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF BISMARCK, NORTH DAKOTA:

Section 1. Amendment. 14-02-03 of the Code of Ordinances of the City of Bismarck, North Dakota, relating to Definitions is hereby amended to read as follows:

14-02-03. **Definitions.** The following definitions represent the meanings of terms as they are used in these regulations:

* * * *

Low and Moderate Income Multi-family Housing. Multi-family housing for persons who are income qualified that is usually supported by state and federal funding programs.

Section 2. Amendment. 14-03-08 of the Code of Ordinances of the City of Bismarck, North Dakota, relating to Special Uses is hereby amended to read as follows:

* * * *

14-03-08(3)(a)(5). **Permanent uses (administrative approval).** The Zoning Administrator may issue special use permits for the following uses without a public hearing or approval of the City Planning and Zoning Commission:

- a. Small animal veterinary clinic. Defined as a facility in which the practice conducted is essentially an outpatient type of practice with an occasional

confinement limited to domestic household pets. A small animal veterinary clinic may be permitted in a CG, MA, MB or A district as a special use provided.

* * * *

5. Off-street parking space shall be provided as required in section 14-03-10(1)(i), ~~office buildings, of this article.~~

Section 3. Repeal and Re-enact. 14-03-10 of the Code of Ordinances of the City of Bismarck, North Dakota, relating to Off-Street Parking and Loading is hereby repealed and re-enacted to read as follows:

14-03-10. **Off-Street Parking and Loading.**

1. **Purpose.** The provisions of this section are intended to provide accessible, attractive, secure and well-maintained off-street parking and loading areas with the appropriate number of spaces in proportion to the needs of proposed and future uses and to prevent overflow parking into adjacent properties. The provisions of this section are also intended to help protect the public health, safety and general welfare by:
 - a. Helping to avoid and mitigate traffic congestion;
 - b. Encouraging multi-modal transportation options and enhanced pedestrian safety; and,
 - c. Providing flexible methods for responding to the transportation and access demands of various land uses.
2. **Applicability.** The parking, stacking and loading requirements contained herein shall apply to any of the following:
 - a. **New Development.** The parking, stacking and loading requirements of this section shall apply to any new building constructed and to any new use established.
 - b. **Expansion and Alterations.** The parking, stacking and loading requirements of this section shall apply when an existing structure or use is expanded or enlarged. Additional parking and loading spaces will be required only to serve the enlarged or expanded area. The parking, stacking and loading space provided for the existing use prior to the expansion or alteration may not be reduced below what is required.
 - c. **Change of Use.** The parking, stacking and loading requirements of this section shall apply to any change of use that would result in a requirement for more parking, stacking or loading spaces than the existing use. Additional parking,

stacking and loading spaces will only be required in proportion to the extent of the change, not for the entire building or use.

In the case of a change of use where the current use does not meet the minimum parking requirements and the proposed change of use would require less parking, stacking or loading spaces than the current use, regardless of the number of spaces actually provided on the site, the Zoning Administrator may allow such change of use provided the parking, stacking, and loading spaces for the new use is no less conforming than the current use.

3. **Reductions and Exemptions.**

- a. **Mixed Use Parking Reductions.** Parking requirements may be reduced by an additional ten (10) percent for mixed use developments including a combination of residential, or a hotel or motel in combination with office and/or commercial uses.
- b. **Bicycle Parking Reductions.** The following reductions may be used to provide relief from off-street parking requirements:
 - i. The number of vehicle parking spaces may be reduced by one (1) for five (5) bicycle parking spaces provided on the parcel, up to ten (10) percent of the total required vehicle parking spaces.
 - 1. A fixed bicycle rack shall be installed with the following design guidelines:
 - a. Support the bicycle at two points above its center of gravity.
 - b. Accommodate high security U-shaped bike locks.
 - c. Accommodate locks securing the frame and one or both wheels, preferably without removing the front wheel from the bicycle.
 - d. Provide adequate distance between spaces so that bicycles do not interfere with each other.
 - e. Do not contain protruding elements or sharp edges.
 - f. Do not bend wheels or damage other bicycle parts.
 - g. Do not require the user to lift the bicycle off the ground in order to place it into the rack.
 - 2. The bicycle rack is provided with an aisle one side of the bicycle parking space to allow for adequate access and maneuvering.
 - 3. The bicycle rack is connected to an Americans with Disabilities Act (ADA) accessible side-walk or corridor.

4. The bicycle rack is placed on a dustless all-weather hard surface material.
5. The bicycle rack is located so as to not interfere with pedestrian or motor vehicle traffic.
6. Bicycle parking may be provided within a building, but the location must be easily accessible.

c. **Parking Exemption.** Properties located within the DC – Downtown Core, DF – Downtown Fringe, and HM – Health Medical zoning districts are not subject to the off-street parking and loading requirements of this section.

4. **Required Parking.** Except as provided elsewhere in this section, no application for a building permit or certificate of occupancy in any zone shall be approved unless required parking is provided in connection with such building improvements or use in accordance with this section; and no certificate of occupancy shall be issued unless the required facilities have been provided.

When the installation of required parking cannot be completed in conjunction with site development due to seasonal constraints, the Zoning Administrator may issue a temporary certificate of occupancy with the understanding that the installation of the required parking be completed by a date agreed upon by the Zoning Administrator and property owner(s).

5. **Design Standards for Required Off-Street Parking and Loading Spaces.** All applications for a building permit or certificate of occupancy shall include a site plan, drawn to scale, that depicts the location and arrangement of required parking and loading spaces, driveways, and walkways as provided for in this section.
 - a. **Parking Spaces.** Each required off-street parking space shall be of an area at least nine (9) feet wide and eighteen (18) feet in length, in addition to the ingress and egress driveways required.
 - b. **Compact Parking Spaces.** A compact parking space shall be of an area at least eight (8) feet wide and sixteen (16) feet in length in addition to the ingress and egress driveways required. Compact parking spaces may count for up to 10 percent of required parking spaces and must be marked or signed as compact parking.
 - c. For each parking space, not under a roof, there shall be provided additional area for access lanes, aisles and drives necessary for safe and adequate parking maneuvering. Access lanes, aisles and drives must be designed according to acceptable professional industry design standards.

- d. Accessible Parking Spaces and Aisles. The size, number and location of stalls reserved for ADA parking shall be provided and identified as required by applicable ADA regulations. These spaces are included in the calculation for the total required parking.
- e. Electric Vehicle Charging Stations. Charging station stalls must meet local, state and federal requirements. These spaces are included in the calculation for the total required parking.
- f. Surfacing. All applications for required off-street parking and loading spaces and all driveways on private property leading to such parking areas shall be surfaced with a dustless all-weather hard surface material. Acceptable surfacing materials include asphalt, concrete, brick, cement pavers or similar materials installed and maintained according to industry standards. Crushed rock, crushed asphalt, crushed concrete, or gravel shall not be considered an acceptable surfacing material.
- g. Turnarounds. All off-street parking areas shall be designed so that vehicles do not have to back into the public right-of-way to exit parking areas.
- h. Encroachment. No parking space may block access to another parking space. No open area in an off-street parking area shall be encroached upon by buildings, storage or any other use.
- i. Pedestrian Facilities. Off-street parking areas for fifty (50) or more vehicles shall have walkways separated from the parking area and surfaced with a dustless all-weather hard surface material to provide safe access from parking areas, bicycle storage areas, public rights-of-way and existing pedestrian facilities to building entrances.
- j. Striping. All off-street parking areas containing four (4) or more spaces or containing angled parking shall have the parking spaces and aisles clearly marked on the pavement.
- k. All required parking, stacking and loading spaces, and access areas shall be used exclusively for the temporary parking and maneuvering of vehicles and shall not be used for the sale, lease, display, repair, or storage of vehicles, trailers, boats, campers, mobile homes, merchandise, or equipment, or for any other use not authorized by the provisions of this Title.
- l. Loading Facilities. For each off-street loading space required by this section there shall be provided space clear and free of all obstructions, at least ten (10) feet in width, fifty feet (50) feet in length and fourteen (14) feet in height. Off-street parking and off-street loading space shall be provided with methods of ingress and egress such that it will be unnecessary for trucks or tractor trailer combinations to back into them from a public street or out of them into a public street; however, off-street loading spaces may utilize adjacent local streets as needed for ingress and egress when specifically approved in writing by the City

Engineer or designee, based upon a submitted drawing using truck turning radius templates that demonstrates how the loading spaces will be utilized.

- m. Maintenance. All off-street parking and loading facilities for the use of the public required pursuant to the provisions of this section shall be paved, drained, lighted and periodically maintained by the owner in accordance with specifications of the City Engineer.
- n. Reductions. Required off-street parking spaces may not be reduced except upon the approval of the Zoning Administrator and then only after proof that, by reason of a decrease of floor space, seating capacity, number of employees, or change in other factors controlling the regulation of the number of parking spaces, the proposed reduction is reasonable and consistent with the intent of this section.

6. Calculation of Required Parking.

- a. When the determination of the number of parking, stacking, bicycle parking or loading spaces results in a requirement of a fractional space, any fraction up to and including one-fourth shall be disregarded and fractions over one-fourth shall require one additional parking, stacking, bicycle parking or loading space.
- b. When there are multiple structures on a lot or multiple uses within a structure, parking shall be calculated separately for each different use area within a building or site, including all accessory uses, unless a plan for shared parking or joint-use parking is approved by the Zoning Administrator.
- c. One parking space for each twenty-five (25) uninterrupted linear feet of available street frontage of a local roadway usable for on-street parking directly adjacent to a parcel may be deducted from the total off-street parking spaces required for a site. The width of drive accesses, designated non-parking areas, sight triangles, and similar circumstances may not be considered as available for the purpose of on-street parking space. Parking on roadways classified as an arterial roadway or a collector roadway will not be considered.
- d. Parking spaces required on a per-employee basis shall be based on the maximum number of employees on the largest shift.
- e. When parking is required based on seating as a unit of measurement, all calculations shall be based on the number of fixed seats. If fixed seats are not provided, then parking shall be determined at a rate of one space per five (5) occupants.
- f. The number of parking spaces shall be provided on the basis of the following minimum requirements:

USE	REQUIRED NUMBER OF OFF-STREET PARKING SPACES
Residential Uses	
Single-family	Two (2) spaces for each dwelling unit.
Two-family	Two (2) spaces for each dwelling unit.
Accessory dwelling unit	One (1) space for accessory dwelling unit.
Low and moderate income multi-family housing	0.65 spaces for each dwelling unit.
Multi-family	One (1) space for each efficiency unit or each one-bedroom unit; and, Two (2) spaces for each two-bedroom unit or larger.
Rooming & boarding houses	One (1) space for each sleeping room rented, plus two (2) additional spaces for the owner or operator of the house.
Senior housing	0.65 spaces for each dwelling unit.
Dormitories	One (1) space for each sleeping room.
Adult or disabled care centers, convalescent homes and nursing homes	One (1) space for each four (4) patient beds, plus one additional space for each employee.
Institutional Uses	
Elementary and middle schools	One (1) space for each employee, plus additional space for any places of public assembly in accordance with the requirements set forth in this section for such uses.
Schools including colleges, and high schools	One (1) space for each employee, plus additional space for any places of public assembly in accordance with the requirements set forth in this section for such uses and one space for every three (3) students.
Libraries and museums	One (1) space for each three hundred sixty (360) square feet of gross floor area.

Places of public assembly including exhibition halls, convention halls, auditoriums, sports arenas, athletic fields and theaters	One (1) space for each five (5) seats provided. If fixed seats are not provided, then parking shall be determined at a rate of one space per five (5) occupants.
Religious institutions	One space for each five (5) seats provided in an assembly area. If fixed seats are not provided, then parking shall be determined at a rate of one space per five (5) occupants.
Commercial Uses	
Child care centers	One (1) space for each employee and one (1) space for each ten (10) children.
Motor fueling stations/convenience stores	Four (4) spaces plus two (2) spaces for each service stall or bay. Facilities designed for sale of other items shall be required to provide additional parking in accordance with other applicable provisions of this Section.
Motor vehicle repair garages	Two (2) spaces for each repair stall, plus additional spaces as needed to store vehicles waiting to be repaired or picked up after repair.
Hospitals	One (1) space for each two (2) patient beds plus one (1) additional space for each two (2) employees.
Hotels and motels	One (1) space for each guest room. If, in addition to the guest rooms, patrons are provided with assembly halls, bars, restaurants, nightclubs, retail shops, service establishments or other businesses, additional off-street parking spaces will be required for such other uses in accordance with the regulations of this section for those uses.
Funeral homes and mortuaries	One (1) space for each four (4) seats or one (1) space for seventy-five (75) gross square feet of building area, whichever is greater.
Office buildings	One (1) space for each three hundred sixty (360) square feet of gross floor area.
Medical, chiropractic and dental clinics	One (1) space for each three hundred (300) square feet of gross floor area.
Veterinary clinics	One (1) space for each three hundred (300) square feet of gross floor area.

Sports and fitness clubs	One (1) space for three hundred sixty (360) square feet of gross floor area.
Retail sales and service	One (1) space for each three hundred (300) square feet of gross floor area.
Multi-tenant shopping center	One (1) space for each three hundred (300) square feet of gross leasable area, provided the area of all dining and drinking establishments within the shopping center do not exceed twenty-five (25) percent of the total leasable area.
Furniture and appliance sales	One (1) space for each seven hundred twenty (720) square feet of gross floor area.
Bar, tavern or lounge	One (1) space for each sixty (60) square feet of gross floor area, plus one (1) space for each employee on the largest shift. Outdoor patio areas shall not be included when calculating floor area.
Full service restaurant	One (1) space for each seventy-five (75) square feet of gross floor dining area, plus one (1) space for each employee. Outdoor patio areas shall not be included when calculating gross floor area. If the restaurant includes a designated bar area, off-street parking shall be provided for that area at a ratio of one (1) space for each sixty (60) square feet of gross floor bar area.
Fast food restaurant with or without drive-through facilities, including coffee shops, ice cream or yogurt shops	One (1) space for each sixty (60) square feet of gross floor dining area. Outdoor patio area shall not be included when calculating gross floor area. If a drive-through is included, stacking space in accordance with the applicable provisions of this Section must also be provided.
Take out restaurant with no patron seating	One (1) space for each two hundred forty (240) square feet of gross floor area.
Amusement uses	One (1) space for each three hundred sixty (360) square feet of gross floor area.
Industrial Uses	
Service businesses located within the MA – Industrial or MB – Industrial zoning district with fifty (50) percent or more of the gross floor area devoted to storage, warehouse and/or industry	<p>One (1) space for each four hundred (400) gross square feet of each unit storage area.</p> <p>Sufficient space to park all company-owned or leased vehicles including passenger automobiles, trucks, tractors, trailers and similar company-owned motor vehicles must be provided in addition to the required off-street parking. These provisions shall</p>

use, including those facilities commonly referred to as shop condos	apply on a per unit basis for multi-tenant or multi-owner buildings such as shop condos.
Self-service storage facilities	A dedicated parking lane with a minimum width of nine (9) feet shall be provided adjacent to each storage unit opening in the building. Driveways adjacent to each parking lane shall be a minimum of twenty (20) feet in width. In facilities provided with a dedicated rental or leasing office, one (1) space for each three hundred (300) gross square feet of office area must also be provided.
Manufacturing and industrial plants, public utility buildings, fabricating plants and all other similar structures	One (1) space for each manufacturing employee on the largest shift, plus one (1) space for each three hundred (300) gross square feet of office area. Sufficient space to park all company-owned or leased vehicles including passenger automobiles, trucks, tractors, trailers and similar company-owned motor vehicles must be provided in addition to the required off-street parking.
Warehousing and distribution	One (1) space for each employee on the largest shift or one (1) space for each two thousand four hundred (2,400) square feet of gross floor area, whichever is greater, plus one (1) space for each three hundred (300) gross square feet of office area. Sufficient space to park all company-owned or leased vehicles including passenger automobiles, trucks, tractors, trailers and similar company-owned motor vehicles must be provided in addition to the required off-street parking.

- g. **Interpretation.** For uses not specifically listed in this section, parking requirements shall be determined by the Zoning Administrator on the same basis as required for the most similar listed uses. In such cases, the Zoning Administrator may also consult parking reference materials including, but not limited to, manuals prepared by the American Planning Association and the Institute of Transportation Engineers.

- 7. Location of Required Parking Facilities.** The off-street parking facilities required by this section shall be on the same parcel of land as the structure they are intended to serve. When practical difficulties prevent the establishment of such facilities upon the same parcel, off-site parking shall be furnished within four hundred (400) feet of the premises to which they are appurtenant. In addition, adequate and safe pedestrian access shall be provided to and from the off-site parking facility.

8. **Off -Street Vehicle Stacking.** Except as provided elsewhere in this section, no application for a building permit or certificate of occupancy for a commercial or industrial use shall be approved unless there is included with the plan for such building improvement or use, a site plan showing the required space designated as being reserved for off-street vehicle stacking purposes to be provided in connection with such building improvements or use in accordance with this section; and no certificate of occupancy shall be issued unless the required facilities have been provided. Each required vehicle stacking space shall be of an area at least ten (10) feet wide and twenty (20) feet in length. Vehicle stacking lanes shall be located completely upon the parcel of land that includes the structure they are intended to serve and shall be so designed as to not impede on- or off-site traffic movements. All vehicle stacking spaces shall be surfaced with a dustless all-weather hard surface material. Acceptable surfacing materials include asphalt, concrete, brick, cement pavers or similar materials installed and maintained according to industry standards. Crushed rock, crushed asphalt, crushed concrete, or gravel shall not be considered an acceptable surfacing material. The number of off-street vehicle stacking spaces shall be provided on the basis of the following minimum requirements:

Type of Use	Minimum Number of Stacking Spaces	Measured From
Financial institution- ATM	3 spaces per lane	Kiosk
Financial institution – teller	4 spaces for first lane, 3 spaces for each additional lane	Window or pneumatic tube kiosk
Drive-through restaurant	12 spaces	Pick-up window
Drive-through coffee shop	10 spaces	Pick-up window
Car wash, automatic	6 spaces per bay	Entrance
Car wash, self-service	3 spaces per bay	Entrance
Drive-through car service (oil change and similar)	3 spaces per bay	Entrance
Drive-through pharmacy	3 spaces	Window
Drive-through cleaners	3 spaces	Window
Drive-through photo lab	3 spaces	Window

Self-service fueling station	2 spaces per fueling island	Each end of the fueling island
Gated parking lots and entrances	2 spaces	Gate

- a. **Interpretation.** For uses not specifically listed above, stacking requirements shall be determined by the Planning and Zoning Commission, in conjunction with approval of a special use permit, on the same basis as required for the most similar listed uses.

9. **Special Use Permit for a drive-in/drive-through retail or service establishment.**

Drive-in/drive-through for retail or service establishments are subject to the requirements of Section 14-03-08(4)(g). A drive-through facility with vehicle stacking spaces based on one type of use may not be converted to another type of use without the submittal and approval of a new site plan. A new special use permit shall be required for any change to a use with greater vehicle stacking space requirements.

10. **Administrative Approval of Parking and Stacking Alternatives.** The Zoning

Administrator, where appropriate, may approve a reduction of required parking, provided a parking study prepared by the applicant or their consultant is submitted for review. Such study shall include estimates of parking demand based on recommendations of the Institute of Traffic Engineers, the American Planning Association (APA), Urban Land Institute, or other acceptable estimates as approved by the zoning administrator. The study should also include other reliable data collected from uses or combinations of uses that are the same as or comparable with the proposed use. Comparability will be determined by development type, density, size and scale, and location. Additional considerations will be given to adaptive re-uses surrounding land uses, anticipated users, seasonal uses, low and moderate housing, availability of transportation choices, walkability index score and existing or proposed pedestrian infrastructure. The study shall document the source of data used to develop the recommendations. Any subsequent change in use or dimensions of a site approved utilizing this Section of the ordinance will require a review to determine if adequate parking exists for any new use.

- a. **Shared Parking.** The Zoning Administrator, where appropriate, may approve shared or simultaneous use of parking provided a parking study prepared by the applicant or their consultant is submitted for review. Such study shall include estimates of parking demand based on recommendations of the Institute of Traffic Engineers, the American Planning Association, Urban Land Institute, or other acceptable estimates as approved by the Zoning Administrator. Such study must provide the following:

- i. It can be demonstrated that the location and design requirements of this section are met.
- i. Adequate and safe pedestrian access is provided from and to parking areas.
- ii. In the event that an off-site parking area is not under the same ownership as the principal use served, a written shared parking agreement, for heirs and assigns of the properties will be required. An attested copy of the agreement between the owners of record must be submitted to the Zoning Administrator for review and approval. The agreement must be recorded with the Burleigh County Recorder prior to the issuance of a building permit for any use served by the off-site parking area.
- iii. Any subsequent change in use or dimensions by either party will require proof that the minimum parking requirements of the approved shared parking agreement are met.

b. **Parking Determination.** The Zoning Administrator may apply to the Board of Adjustment for an interpretation of the provisions of this article for required parking, stacking and loading requirements and the Board of Adjustment shall render a decision in writing in the manner provided for in this section for such action.

11. **Off-Street Loading.** Except as provided elsewhere in this section, no application for a building permit or certificate of occupancy for a commercial or industrial use shall be approved unless there is included with the plan for such building improvement or use, a site plan showing the required loading space or structural design for off-street loading purposes to be provided in connection with such building, improvement or use, in accordance with this section; and no certificate of occupancy shall be issued unless the required facilities have been provided in accordance with those shown on the approved plan.

- a. The number of off-street stacking spaces shall be provided on the basis of the following minimum requirements:
 - i. Each department store, freight terminal or railroad yard, medical facility, industrial plant, manufacturing establishment, retail establishment, storage warehouse or wholesale establishment which has an aggregate gross floor area of twenty-five thousand (25,000) square feet or more, arranged, intended or designed for such use, shall provide off-street truck loading or unloading berths in accordance with the following table:

Square feet of Aggregate Gross Floor Area Devoted to Such Use	Required Number of Berths
25,000 but less than 40,000	1
40,000 but less than 100,000	2
100,000 but less than 160,000	2
160,000 but less than 240,000	4
240,000 up to and including 320,000	5
For each additional 90,000	1 additional berth

- ii. Each auditorium, convention hall, exhibition hall, funeral home, hotel, office building, restaurant, sports arena, medical facility which has an aggregate gross floor area of fifty thousand (50,000) square feet or more used or intended to be used for service to the arranged, intended or designed use shall provide off-street truck loading or unloading berths in accordance with the following table:

Square feet of Aggregate Gross Floor Area Devoted to Such Use	Required Number of Berths
50,000 up to and including 250,000	1
For each additional 250,000	1 additional berth

12. Continuing Character of Obligation. The schedule of requirements for off-street parking space and off-street loading space shall be a continuing obligation of the owner of the real estate on which any such structure is located as long as the structure is in existence and its use requiring vehicle parking or vehicle loading facilities continues. It shall be unlawful for an owner of any building affected by this Section to discontinue, change or dispense with, or to cause the discontinuance or change of the required vehicle parking or loading spaces apart from the discontinuance, sale or transfer of such structure, without establishing alternative vehicle parking or loading space which meets with the requirements of and is in compliance with this Section. It shall be unlawful for any firm or corporation to use such building without acquiring such land or other suitable land for vehicle parking or loading space which meets with the requirements of and is in compliance with this Section.

13. Special Use Permit for Off-Site Parking Lots. Off-site parking lots within residential areas are subject to the requirements of Section 14-03-08(4)(x). The off-street loading facilities required by this section shall in all cases be on the same lot or parcel of land as the structure they are intended to serve. In no case shall the required off-street loading space be part of the area used to satisfy the off-street parking requirements of this Section. All required off-street parking and loading facilities along with all ingress and egress driveways thereto shall be zoned appropriately for the principal use which they are intended to serve.

14. Nonconforming uses. In the case of nonconforming uses where major repairs, substantial alterations or extensions are made, no such major repairs, substantial alterations or extensions shall be permitted unless and until the off-street parking and off-street loading facility space requirements of this section, so far as they apply to the use to which such building is devoted, shall be fully provided for. Provided, however, this item shall not apply to the rebuilding of nonconforming uses that are being rebuilt according to Section 14-03-09 of the zoning ordinance.

(Ord. 4117, 12-30-86; Ord. 4213, 8-02-88; Ord. 4323, 4-24-90; Ord. 4236, 1-17-89; Ord. 4325 and 4326, 4-24-90 & 5-01-90; Ord. 4333, 6-05-90; Ord. 4332, 6-05-90; Ord. 4336, 7-31-90; Ord. 4770, 06-25-96; Ord. 4821, 02-25-97; Ord. 4863, 08-12-97; Ord. 4936, 09-08-98; Ord. 5206, 10-08-02; Ord. 5207, 10-08-02; Ord. 5247, 04-22-03; Ord. 5295, 02-24-04; Ord. 5501, 04-25-06; Ord. 5527, 06-27-06; Ord. 5693, 09-23-08; Ord. 5728, 05-26-09; Ord. 5852, 11-22-11; Ord. 6028, 01-28-14; Ord. 6040, 04-22-14; Ord. 6043, 04-22-14; Ord. 6050, 05-27-14; Ord. 6120, 05-26-15; Ord. 6157, 8-25-15; Ord. 6171, 10-27-15; Ord. 6195, 03-22-16; Ord. 6271, 07-25-17)

Section 2. Repeal. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 3. Taking Effect. This ordinance shall take effect upon final passage, adoption and publication



STAFF REPORT

City of Bismarck
Community Development Department
Planning Division

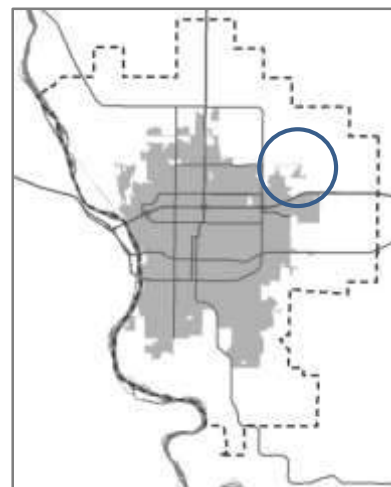
Agenda Item # 5
February 26, 2020

Application for: Annexation

TRAKiT Project ID: ANN2020-001

Project Summary

<i>Title:</i>	Silver Ranch First Addition First Replat, Parts of Blocks 1 – 6
<i>Status:</i>	Planning & Zoning Commission – Final Consideration
<i>Owner(s):</i>	Investcore, Inc.
<i>Project Contact:</i>	Landon Niemiller, Swenson, Hagen & Co.
<i>Location:</i>	Northeast of Bismarck, on the south side of 43 rd Avenue NE
<i>Project Size:</i>	19.34 Acres
<i>Request:</i>	Annex platted property for the development of single and two-family residences



Site Information

Existing Conditions

<i>Number of Lots:</i>	75 lots in 5 blocks
<i>Land Use:</i>	Undeveloped
<i>Designated GMP</i> <i>Future Land Use:</i>	Already zoned. Not in Future Land Use Plan
<i>Zoning:</i>	R5 – Residential R10 – Residential
<i>Uses Allowed:</i>	R5 – Single-family residential R10 – Single and two-family residential
<i>Max Density</i> <i>Allowed:</i>	R5 – 5 units / acre R10 – 10 units / acre

Proposed Conditions

<i>Number of Lots:</i>	75 lots in 5 blocks
<i>Land Use:</i>	Single and Two-Family Residences
<i>Designated GMP</i> <i>Future Land Use:</i>	Already zoned. Not in Future Land Use Plan
<i>Zoning:</i>	R5 – Residential R10 – Residential
<i>Uses Allowed:</i>	R5 – Single-family residential R10 – Single and two-family residential
<i>Max Density</i> <i>Allowed:</i>	R5 – 5 units / acre R10 – 10 units / acre

Property History

<i>Zoned:</i>	06/2018	<i>Platted:</i>	06/2018	<i>Annexed:</i>	N/A
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Staff Analysis

Investcore, Inc. is requesting approval of the annexation of 75 lots in five blocks of Silver Ranch First Addition

First Replat for the development of single and two-family residences.

The Development Agreement with the initial Silver Ranch First Addition plat stipulated that the entirety of this plat would be annexed by the developer by November 2023. This provides a certain level of assurance to the City that funds would be available to assist with the costs of improvements necessary to serve the development. The proposed annexation represents the third annexation of this initially platted area.

To align with previously annexed areas, the entirety of the 43rd Avenue NE right-of-way is included in the proposed annexation, including the north half which is granted as an easement and is owned by Silver Ranch 18, LLLP.

Required Findings of Fact (relating to land use)

1. The City of Bismarck and/or other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the annexation at the time the property is developed;
2. The proposed annexation is a logical and contiguous extension of the current corporate limits of the City of Bismarck;
3. The proposed annexation is consistent with the general intent and purpose of the zoning ordinance;

4. The proposed annexation is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
5. The proposed annexation would not adversely affect the public health, safety and general welfare.

Staff Recommendation

Based on the above findings, staff recommends approval of the annexation of parts of Blocks 1-6, Silver Ranch First Addition First Replat, more specifically described as Lots 24-33, Block 1; Lots 1-4 and 15-44, Block 2; Lots 1-2 and 9-12, Block 3; Lot 1, Block 4; Lots 1-3, Block 5, Lots 1-21, Block 6, Silver Ranch First Addition First Replat and the 43rd Avenue NE right of way between the boundary between Lots 33 and 34, Block 1, Silver Ranch First Addition First Replat and the boundary between Lots 23 and 24, Block 1, Silver Ranch First Addition First Replat, more precisely described as the East 471.61 feet of the West 2,194.70 feet of the South 75 feet of the SW $\frac{1}{4}$ of Section 18, T139N-R79W/Gibbs Township, included in Document# 845385.

Attachments

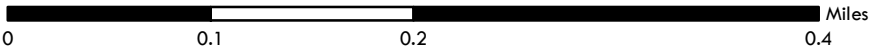
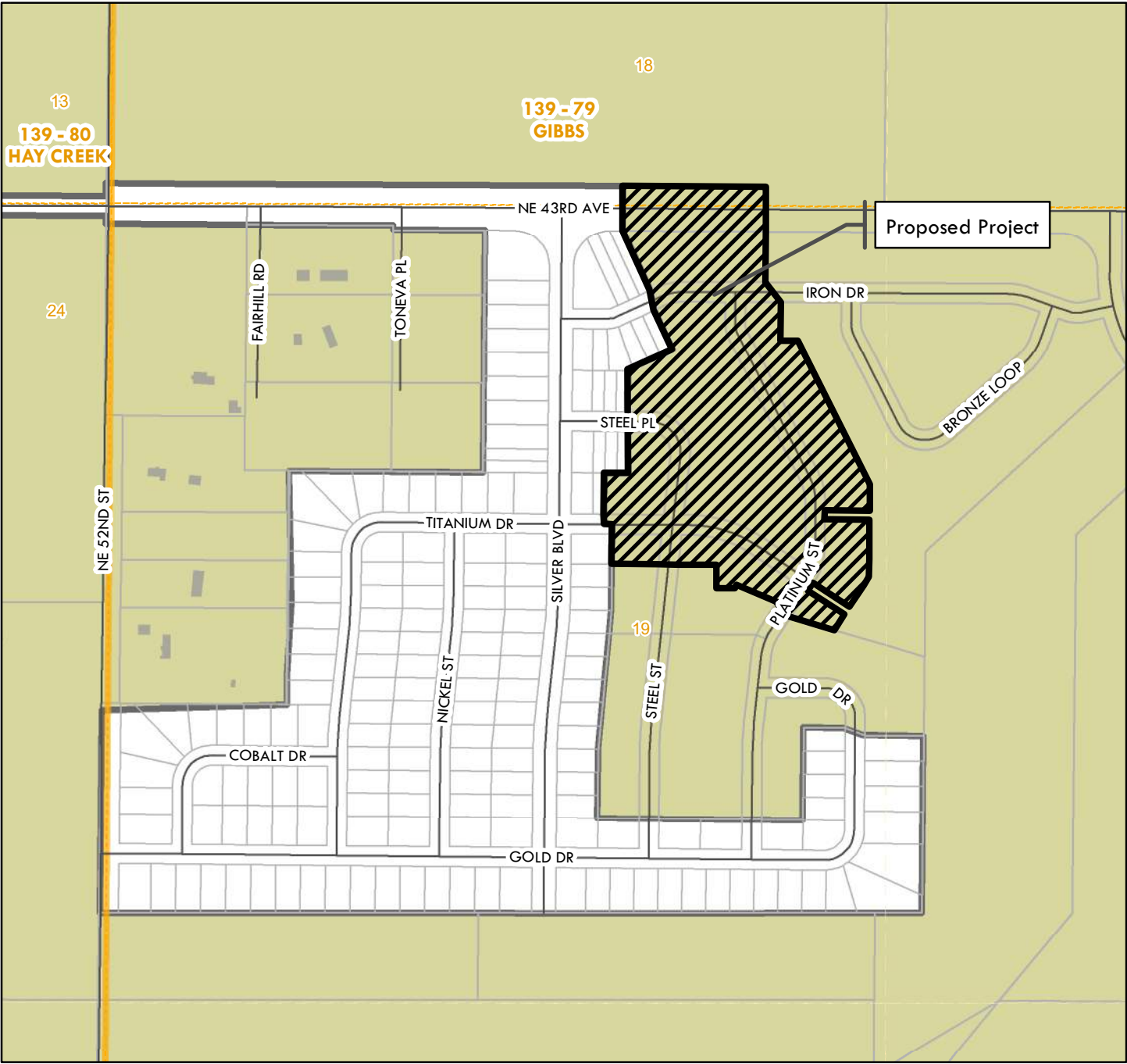
1. Location Map
2. Aerial Map
3. Zoning and Plan Reference Map

Staff report prepared by: Daniel Nairn, AICP, Planner
701-355-1854 | dnairn@bismarcknd.gov



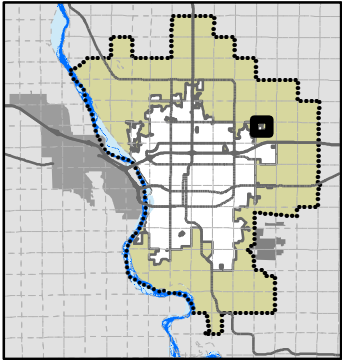
Location Map

Parts of Blocks 1-6, Silver Ranch First Addition First Replat



- City Limits
- Bismarck ETA Jurisdiction
- County Outside ETA

Section, township, and range indicated in orange



City of Bismarck
Community Development Department
Planning Division
January 30, 2020 (HLB)

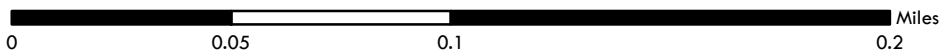
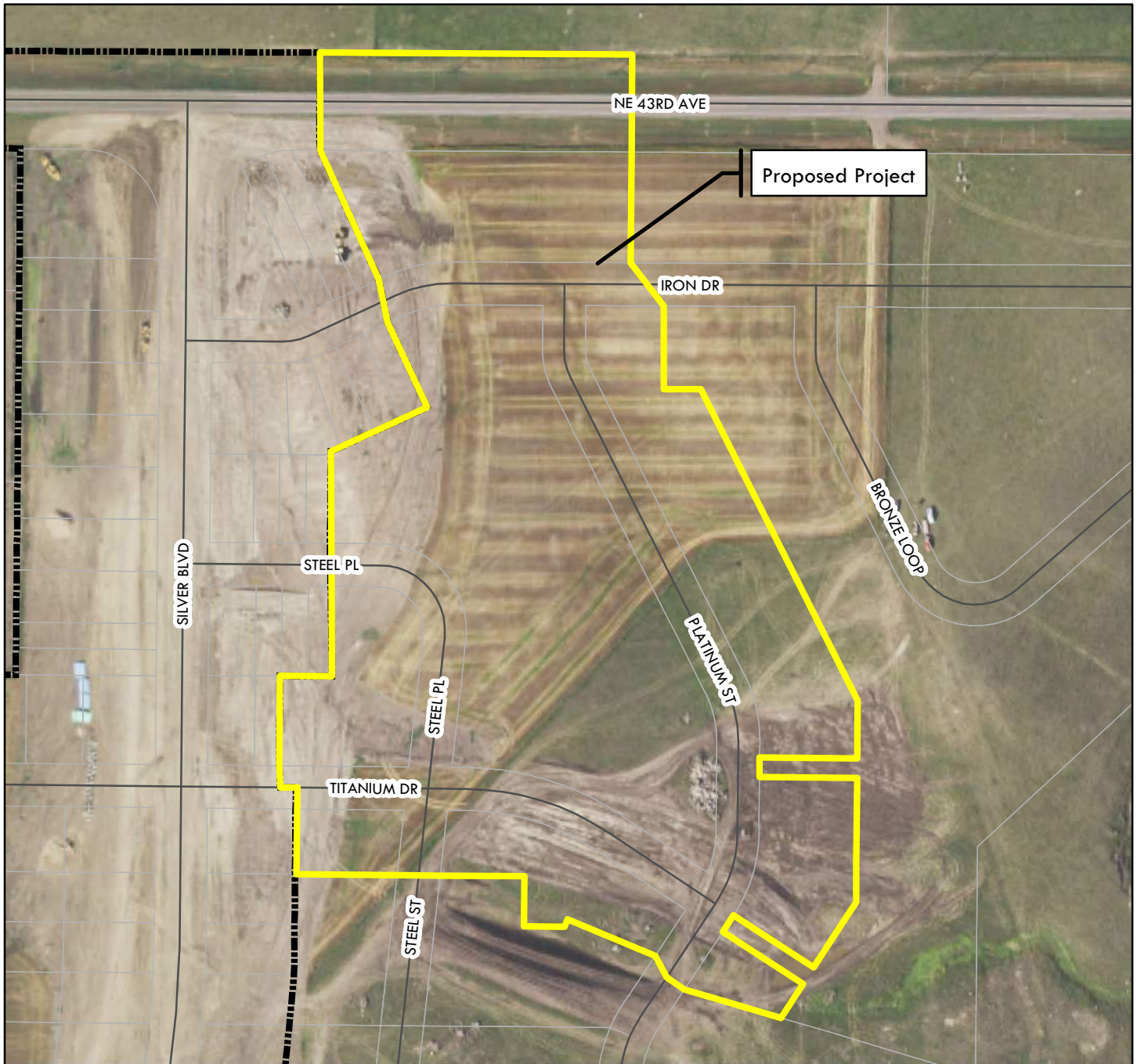
This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.



Aerial Map

Parts of Blocks 1-6 Silver Ranch First Addition First Replat

ANNX2020-001



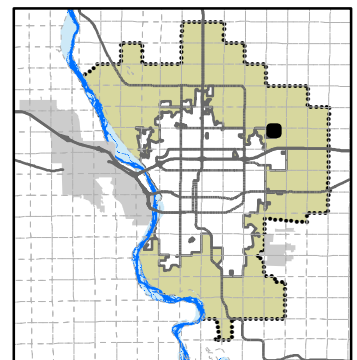
City Limits



Bismarck ETA Jurisdiction

Aerial Imagery from 2018

City of Bismarck
Community Development Department
Planning Division
February 19, 2020



This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.



Zoning and Plan Reference Map

Parts of Blocks 1-6 Silver Ranch First Addition First Replat

ANNX2020-001

Project Area - No Change Proposed

Zoning or Plan Change Proposed

Zoning Districts

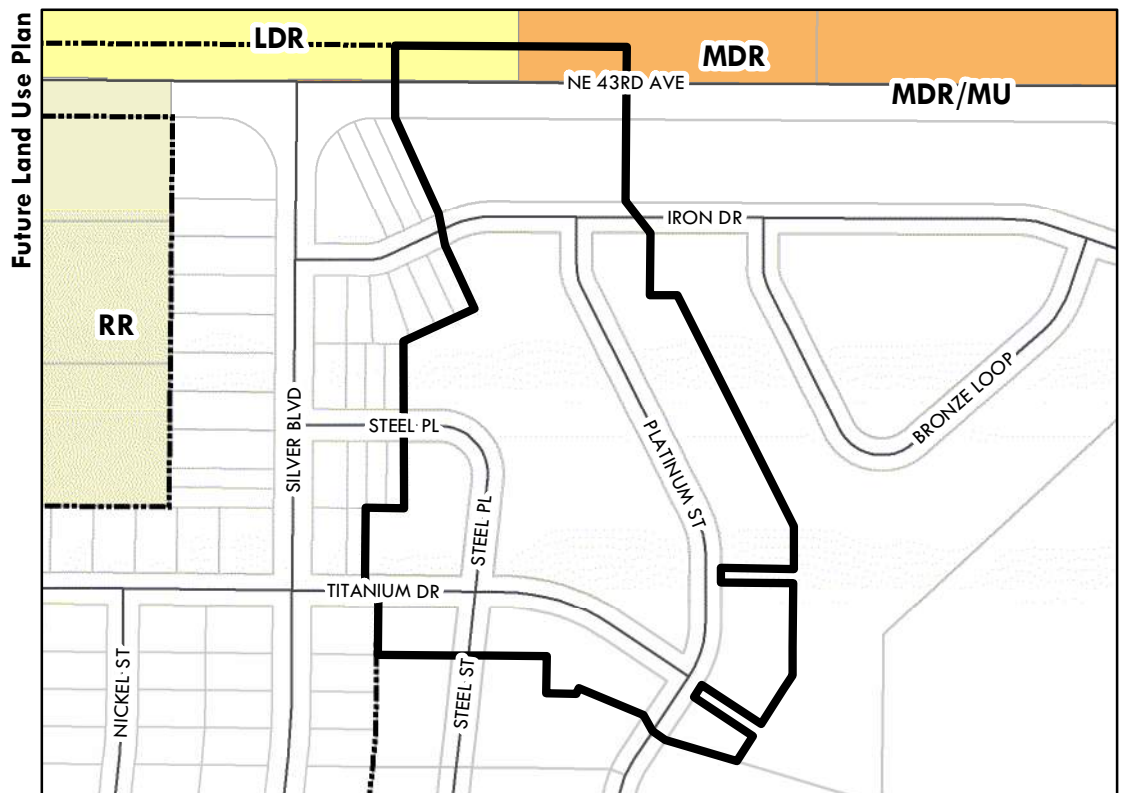
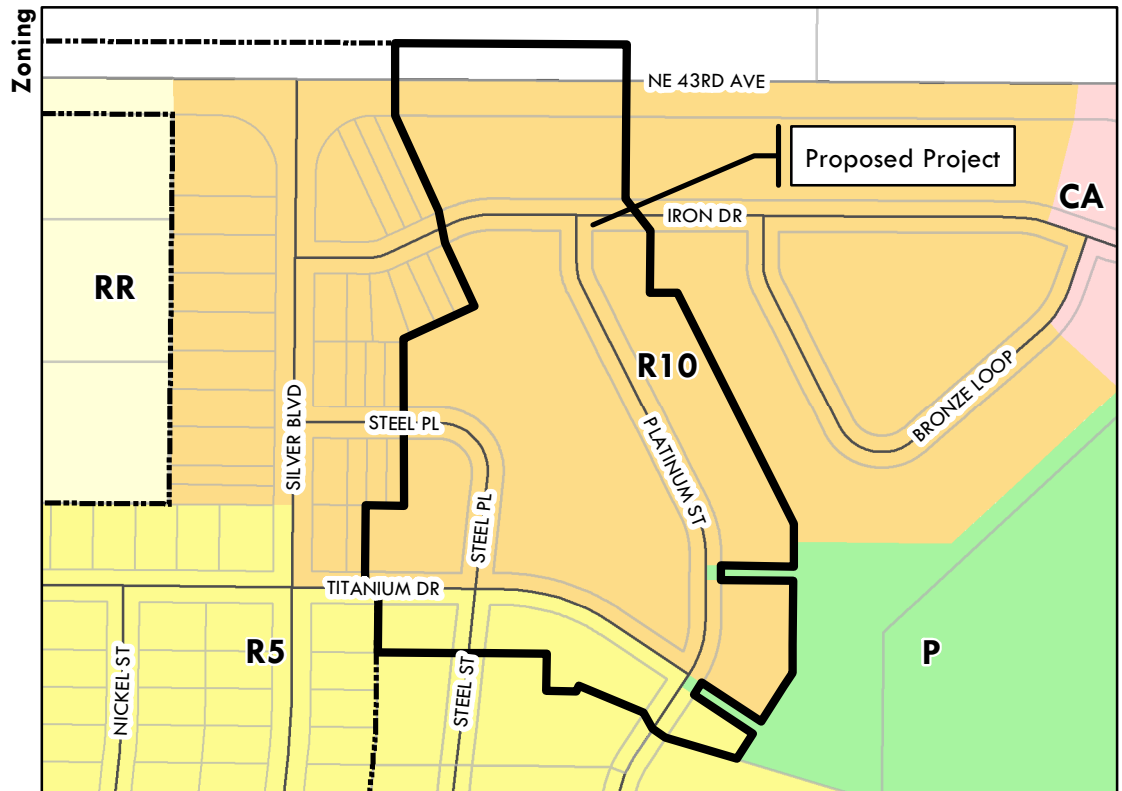
A	Agriculture
RR	Rural
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe

Diagonal lines indicate special condition

Future Land Use Plan

CONSRV	Conservation
BP	Business Park
C	Commercial
C/MU	Commercial/Mixed Use
CIVIC	Civic
HDR	High Density Residential
I	Industrial
LDR	Low Density Residential
MDR	Medium Density Residential
MDR-/MU	Medium Density Residential/Mixed Use
O/MU	Office/Mixed Use
RR-C	Clustered Rural Residential
RR	Standard Rural Residential
UR	Urban Reserve

Fringe Area Road Master Plan



0 0.05 0.1 0.2 Miles

City Limits

This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.



City of Bismarck
Community Development Dept.
Planning Division
February 19, 2020



STAFF REPORT

City of Bismarck
Community Development Department
Planning Division

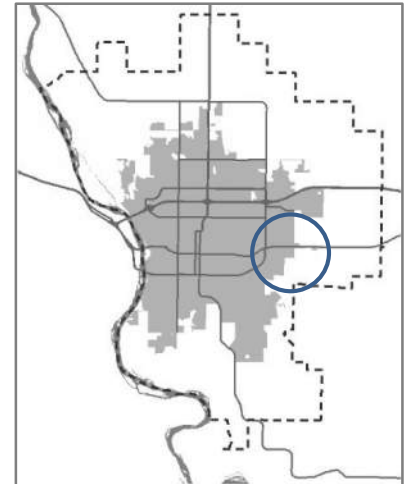
Agenda Item # 6
February 26, 2020

Application for: Zoning Change
Major Subdivision Final Plat

TRAKiT Project ID: ZC2019-004
FPLT2019-003

Project Summary

Title:	Hay Creek Substation Addition
Status:	Planning & Zoning Commission – Public Hearing
Owner(s):	Central Power Electric Cooperative, Inc.
Project Contact:	Eric Poppinga, Central Power Electric Cooperative, Inc.
Location:	East Bismarck, along the east side of North Bismarck Expressway, between East Main Avenue and East Divide Avenue (Part of the SW¼ of Section 36, T139N-R80W/City Lands)
Project Size:	15 acres
Request:	Plat and rezone property for future development of a Central Power Electric Cooperative substation and employee outpost building



Site Information

Existing Conditions		Proposed Conditions	
Number of Lots:	1 parcel	Number of Lots:	1 lot in 1 block
Land Use:	Undeveloped	Land Use:	Electrical Substation
Designated GMP Future Land Use:	Industrial	Designated GMP Future Land Use:	Industrial
Zoning:	A – Agricultural	Zoning:	MA – Industrial
Uses Allowed:	A – Agriculture	Uses Allowed:	MA – Light industrial, general commercial, warehouses, manufacturing and shop condos
Max Density Allowed:	A – 1 unit / 40 acres	Max Density Allowed:	MA – N/A

Property History

Zoned:	N/A	Platted:	N/A	Annexed:	Pre-1980
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Staff Analysis

Central Power Electric Cooperative, Inc. is requesting approval of a zoning change from the A – Agriculture zoning district to the MA – Industrial zoning district and a major subdivision final plat for Hay Creek Substation Addition.

The Planning and Zoning Commission at their meeting of May 22, 2019, called for a public hearing for the zoning change from the A – Agriculture zoning district to the MA – Industrial zoning district and tentatively approved the preliminary plat for Hay Creek Substation Addition, with the understanding that the necessary easements to provide access to the site from North Bismarck Expressway are secured. The applicant has indicated that an existing license agreement between MDU, Western Area Power Administration (WAPA) and Central Power Electric Cooperative, Inc. will be recorded along with an access easement for government and emergency services along the southern portion of Capital Electric Edition, west of the proposed plat will also be recorded prior to recordation of the final plat.

The proposed plat and zoning change are located within corporate limits. Adjacent uses include undeveloped state-owned A – Agriculture zoned property to the north, east and south, and an existing WAPA electrical substation and office building to the west.

The Future Land Use Plan in the 2014 Growth Management Plan as amended, identifies this area as Industrial. The proposed substation and future employee outpost building would be conforming to the industrial land use designation. Although an electrical substation is allowed in any zoning district, the proposed employee outpost building requires a zoning change to the MA – Industrial zoning district.

The substation and future employee outpost building are proposed to be accessed from North Bismarck Expressway via an access easement granted to Central Power Electric Cooperative from WAPA. The necessary easements must be secured prior to scheduling a public hearing for the final plat. The necessary easements have been prepared and will be recorded in conjunction with the final plat.

Portions of the proposed plat are located within the Special Flood Hazard Area (SFHA) or 100-year floodplain and floodway. The applicants have been granted an approval of a Conditional Letter of Map Removal (CLOMR) from FEMA to relocate portions of the floodway within the proposed plat. A formal Letter of Map Removal (LOMR) would be issued by FEMA once the proposed site grading and relocation of the floodway have been completed in accordance with the approved CLOMR.

Required Findings of Fact (relating to land use)*Zoning Change*

1. The proposed zoning change generally conforms to the Future Land Use Plan in the 2014 Growth Management Plan, as amended;
2. The proposed zoning change is compatible with adjacent land uses and zoning;
3. The City of Bismarck and/or other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the new zoning classification at the time the property is developed;
4. The proposed zoning change is justified by a change in conditions since the previous zoning classification was established or by an error in the zoning map;
5. The zoning change is in the public interest and is not solely for the benefit of a single property owner;
6. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance;
7. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
8. The proposed zoning change would not adversely affect the public health, safety, and general welfare.

(continued)

Final Plat

1. All technical requirements for approval of a final plat have been met;
2. The final plat generally conforms to the preliminary plat for the proposed subdivision that was tentatively approved by the Planning and Zoning Commission;
3. The proposed subdivision generally conforms to the 2014 Fringe Area Road Master Plan, as amended;
4. The City Engineer has conditionally approved the Post-Construction Stormwater Management Permit (PCSMP)
5. The provision of neighborhood parks and open space is not needed because the proposed final plat is not an urban subdivision with residential zoning districts;
6. The proposed subdivision plat includes sufficient easements and rights-of-way to provide for orderly development and provision of municipal services beyond the boundaries of the subdivision.
7. The City of Bismarck and/or other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the proposed subdivision at the time the property is developed;
8. The proposed subdivision is located within the Special Flood Hazard Area (SFHA), also known as the 100-year floodplain. However, the

subdivision is proposed to be developed according to existing ordinance requirements pertaining to development in the floodplain and therefore, the proposed development would not adversely impact water quality and/or environmentally sensitive lands,

9. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance;
10. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
11. The proposed subdivision would not adversely affect the public health, safety and general welfare.

Staff Recommendation

Based on the above findings, staff recommends scheduling approval of the zoning change from the A – Agriculture zoning district to the MA – Industrial zoning district and the major subdivision final plat for Hay Creek Substation Addition.

Attachments

1. Location Map
2. Aerial Map
3. Zoning and Plan Reference Map
4. Final Plat
5. Preliminary Plat

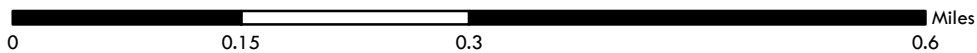
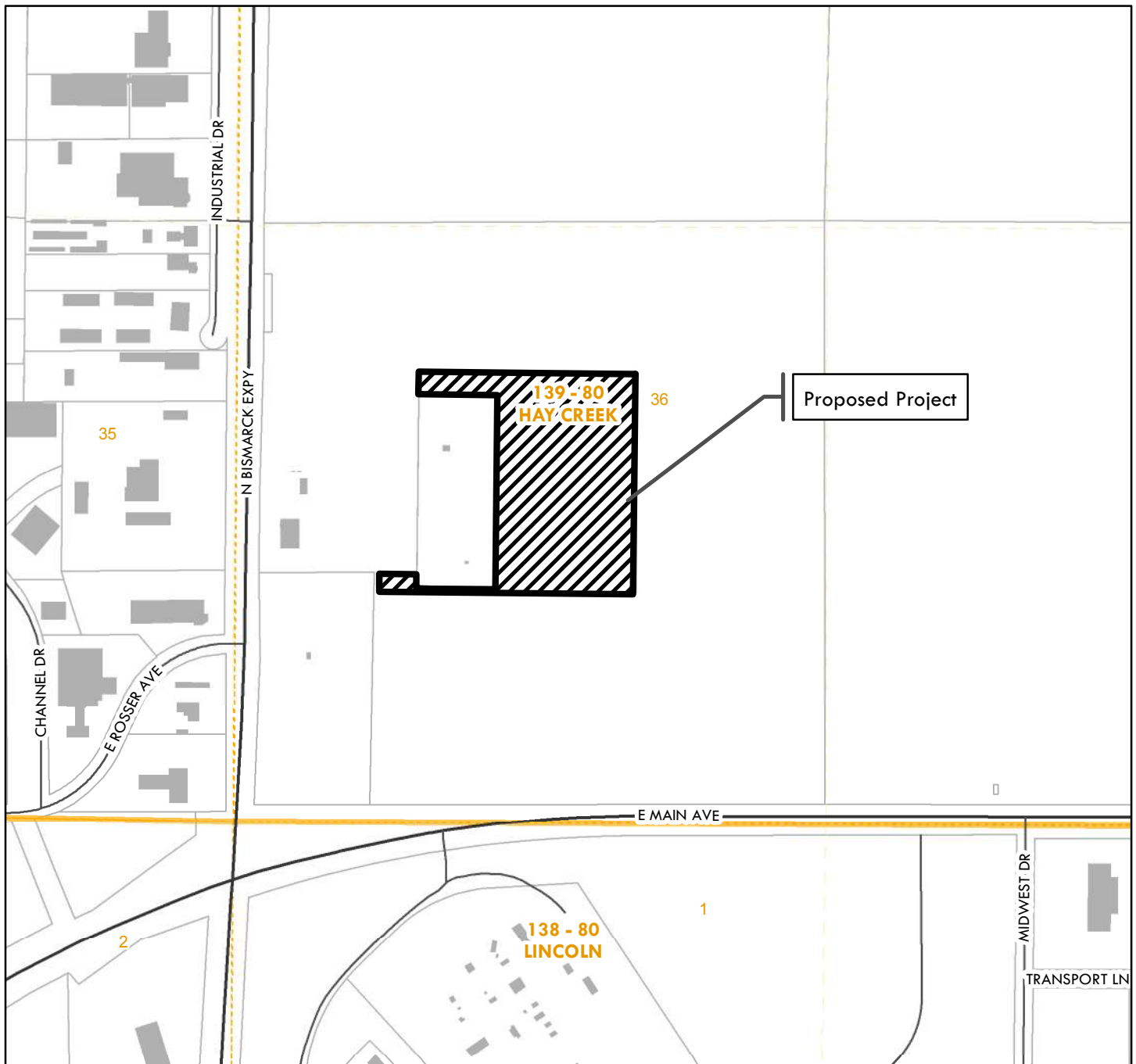
Staff report prepared by: Jenny Wollmuth, AICP, CFM, Planner
701-355-1845 | jwollmuth@bismarcknd.gov



Location Map

Hay Creek Substation Addition

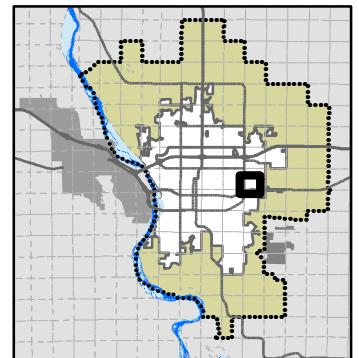
PPLT2019-002
FPLT2020-003
ZC2019-004



Section, township, and
range indicated in orange

City of Bismarck
Community Development Department
Planning Division
April 23, 2019 (HLB)

This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.





Zoning and Plan Reference Map

Hay Creek Substation Addition

ZC2019-004
PPLT2019-002
FPLT2019-003

- Project Area - No Change Proposed
- Zoning or Plan Change Proposed

Zoning Districts

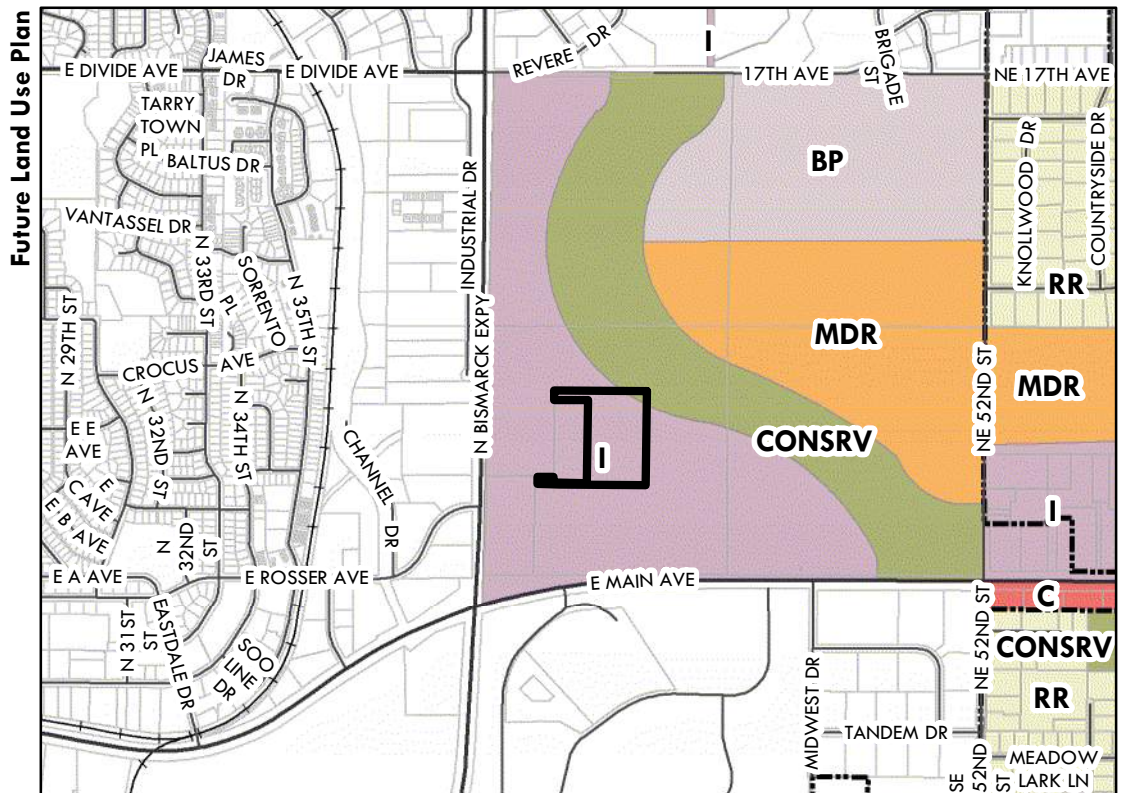
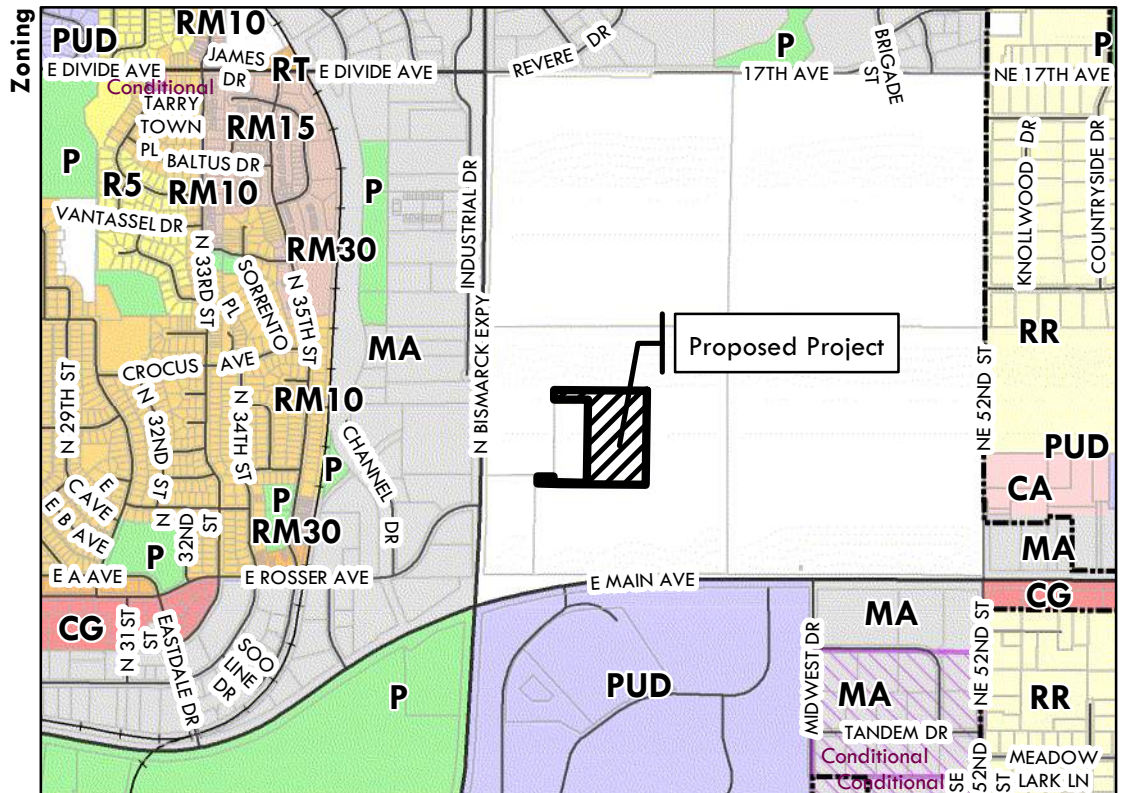
A	Agriculture
RR	Rural
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential
RT	Multifamily Residential (Offices)
HM	Health and Medical
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CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe

Diagonal lines indicate special condition

Future Land Use Plan

CONSRV	Conservation
BP	Business Park
C	Commercial
C/MU	Commercial/Mixed Use
CIVIC	Civic
HDR	High Density Residential
I	Industrial
LDR	Low Density Residential
MDR	Medium Density Residential
MDR-/MU	Medium Density Residential/Mixed Use
O/MU	Office/Mixed Use
RR-C	Clustered Rural Residential
RR	Standard Rural Residential
UR	Urban Reserve

Fringe Area Road Master Plan



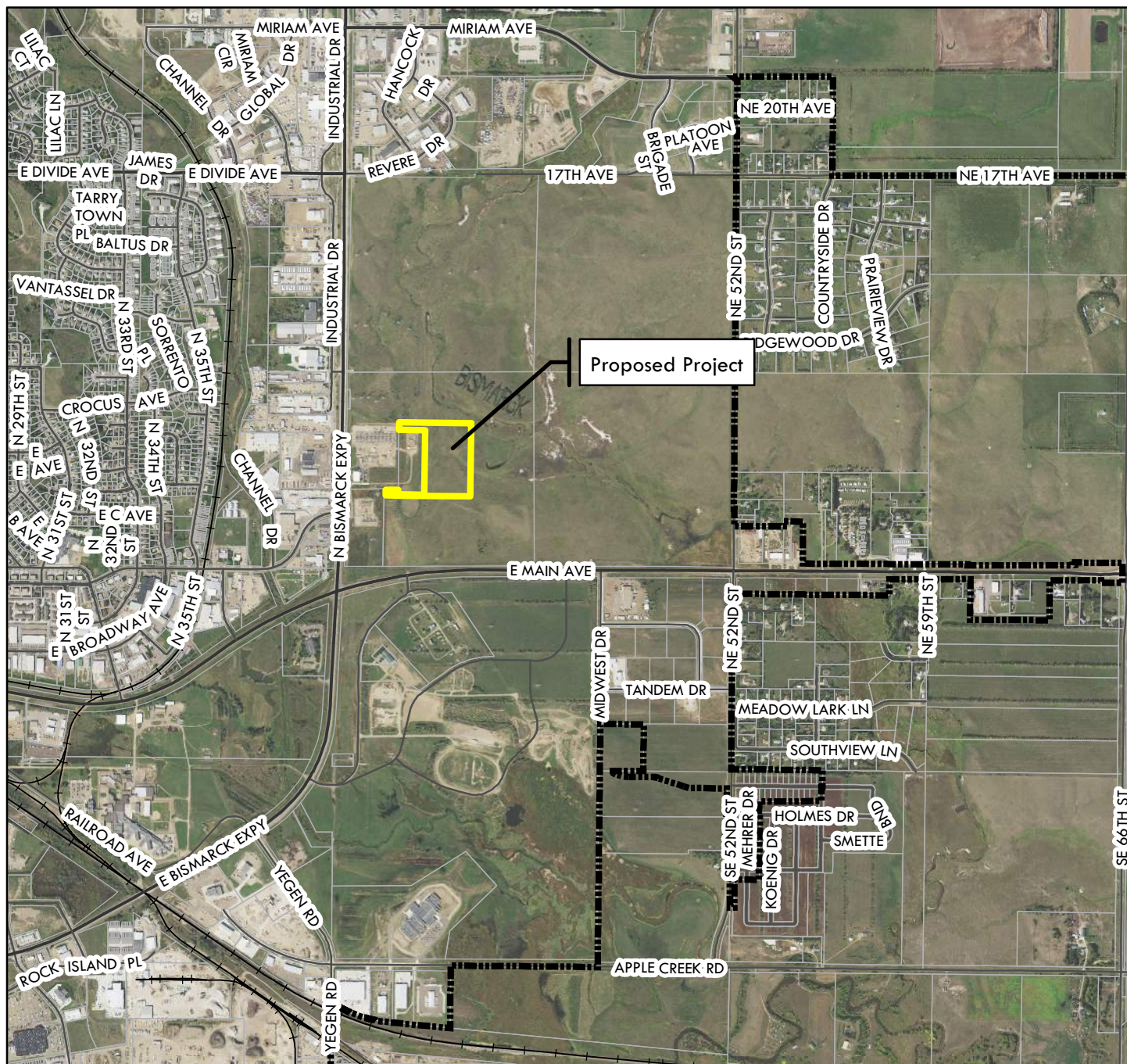
0 0.3 0.6 1.2 Miles

City Limits

This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated herein.



City of Bismarck
Community Development Dept.
Planning Division
February 18, 2020



City Limits

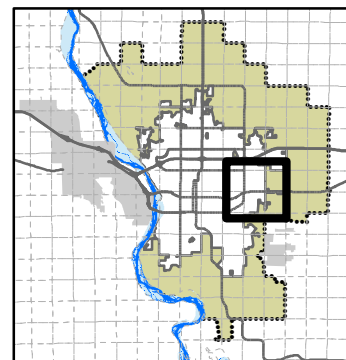


Bismarck ETA Jurisdiction

Aerial Imagery from 2018

City of Bismarck
Community Development Department
Planning Division
February 18, 2020

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HAY CREEK SUBSTATION ADDITION

TO THE CITY OF BISMARCK
PART OF THE SOUTHWEST QUARTER OF SECTION 36, T139N, R80W BURLEIGH COUNTY, NORTH DAKOTA

DESCRIPTION

Legal Description HAY CREEK SUBSTATION ADDITION

That part of the Southwest Quarter of Section 36, Township 139 North, Range 80 West of the Fifth Principal Meridian, Burleigh County, North Dakota described as follows:

Commencing at the southwest corner of said Southwest Quarter; thence North 00 degrees 38 minutes 52 seconds East a distance of 1073.00 feet to the westerly extension of the south line of Document number 144172, recorded in the Office of the County Recorder, Burleigh County, North Dakota; thence South 89 degrees 21 minutes 08 seconds East along said line a distance of 825.00 feet to the southeast corner of said Document number 144172; the westerly line of the recorded plat of CAPITAL ELECTRIC SUBSTATION ADDITION and the Point of Beginning of the tract of land to be described; thence South 00 degrees 38 minutes 52 seconds West along said westerly line of the plat of CAPITAL ELECTRIC SUBSTATION ADDITION a distance of 62.00 feet to the southwest corner of said plat of CAPITAL ELECTRIC SUBSTATION ADDITION; thence South 89 degrees 21 minutes 08 seconds East along the south line of said plat of CAPITAL ELECTRIC SUBSTATION ADDITION a distance 350.00 feet to the southeast corner of said plat of CAPITAL ELECTRIC SUBSTATION ADDITION; thence North 00 degrees 38 minutes 52 seconds East along the east line of said plat of CAPITAL ELECTRIC SUBSTATION ADDITION a distance of 861.98 feet to the northeast corner of said plat of CAPITAL ELECTRIC SUBSTATION ADDITION; thence North 00 degrees 38 minutes 52 seconds West a distance of 976.89 feet; thence North 89 degrees 21 minutes 08 seconds West along the north line of Document number 144172, recorded in the Office of said County Recorder; thence North 00 degrees 38 minutes 52 seconds East along the east line of said Document number 144172, recorded in the Office of said County Recorder; thence North 00 degrees 38 minutes 52 seconds East a distance of 100.00 feet to the northeast corner of said document; thence South 89 degrees 21 minutes 08 seconds East a distance of 952.69 feet; thence South 00 degrees 38 minutes 52 seconds West a distance of 976.89 feet; thence North 39 degrees 21 minutes 08 seconds West a distance of 1127.60 feet to the east line of Document number 195216, recorded in the Office of said County Recorder; thence North 00 degrees 38 minutes 52 seconds East along the east line of said document a distance of 78.60 feet to the northeast corner of said document and the south line of said Document number 144172; thence South 89 degrees 21 minutes 08 seconds East along the south line of said Document number 144172 a distance of 165.00 feet to the point of beginning.

The above described tract of land contains 15.00 acres.

OWNERS CERTIFICATE AND DEDICATION

KNOW ALL MEN BY THESE PRESENTS, That Central Power Electric Cooperative, Inc., a North Dakota Cooperative Association, whose address is 525 20th Avenue Southwest, Minot, North Dakota, 58701, fee owner of the property described herein:

Said owner has caused the above described tract of land to be surveyed and platted as "HAY CREEK SUBSTATION ADDITION" to the City of Bismarck, Burleigh County, North Dakota.

OWNER: LOT 1, BLOCK 1, HAY CREEK SUBSTATION ADDITION

By:

Thomas L. Meland, General Manager
Central Power Electric Cooperative, Inc.

State of North Dakota
County of _____

On this _____ day of _____, in the year of 2020, before me, a notary public with and for said County, personally appeared Thomas L. Meland, General Manager, known to me to be the person who is described in and who executed the within instrument and acknowledged to me that he executed the same in the name of Central Power Electric Cooperative, Inc.

Notary Public

SURVEYOR'S CERTIFICATE AND ACKNOWLEDGMENT

I, William J. Haddick, Registered Professional Land Surveyor under the laws of the State of North Dakota, do hereby certify that this plat is a true and correct representation of the survey of said addition; that all distances shown on said plat are correct; that the monuments for the guidance of future surveys have been located or placed in the ground as shown.

William J. Haddick, Professional Land Surveyor
North Dakota License LS-6294

CITY ENGINEER APPROVAL

I, Gabriel J. Schell, City Engineer of Bismarck, North Dakota, hereby approve "HAY CREEK SUBSTATION ADDITION" Bismarck, Burleigh County, North Dakota as shown on the plat.

Approved by City Engineer this _____ day of _____, 2020.

Gabriel J. Schell, City Engineer

BISMARCK BOARD OF CITY COMMISSION APPROVAL

The Board of City Commissioners of the City of Bismarck, North Dakota, has approved the Subdivision of Land as shown on the approved plat, has accepted the dedication of all streets shown there on, has approved the grounds as shown on the approved plat as an amendment to the master plan of the City of Bismarck, North Dakota. And does hereby vacate any previous platting within the boundary of the approved plat. The foregoing action of the City Commission of Bismarck, North Dakota, was taken by resolution approved the _____ day of _____, 2020.

Attest

Keith J. Hunkle - City Administrator

CITY OF BISMARCK PLANNING COMMISSION

The Subdivision of Land as shown on the approved plat has been approved by the Planning Commission of the City of Bismarck on the _____ day of _____, 2020, in accordance with the laws of the state of North Dakota, ordinances of the City of Bismarck and regulations adopted by the said planning commission in witness where of are set the hands and seals of the chairman and secretary of the planning commission of the City of Bismarck.

Mike Schwartz - Chairman

Ben Ethrith - Secretary

COORDINATE REFERENCE DATA

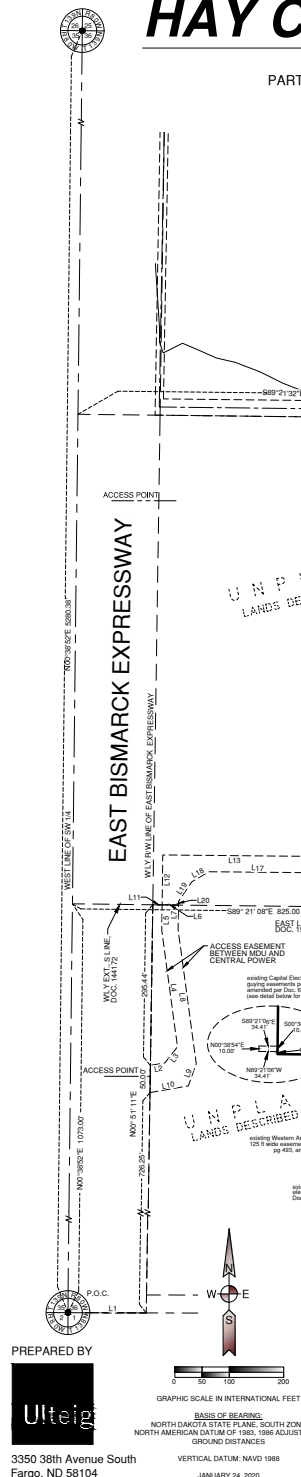
1. Tie Monument 1 (SW CORNER, SECTION 36)

Northing: 416704.72
Easting: 1910663.12
Elevation: 1663.77

2. Tie Monument 2 (NW CORNER, SECTION 36)

Northing: 421983.97
Easting: 1910722.84

Orientation of this bearing system is North Dakota State Plane, South Zone (NAD83-86). Coordinates above are expressed as grid coordinates.



PLAT DATA

TOTAL LOT AREA: (15.000 ACRES)
TOTAL ROADWAY: (0.300 ACRES)
TOTAL ACREAGE: (15.300 ACRES)

BENCHMARK

ALUMINUM CAP SET FLUSH WITH THE GROUND DESIGNATING THE NORTHWEST CORNER OF THE SUBJECT PROPERTY. ELEVATION = 1987.08 NAVD83 DATUM.

SYMBOL LEGEND

MONUMENT FOUND
SECTION LINE
EXISTING PROPERTY RIGHT OF WAY LINE
PLAT BOUNDARY
EXISTING EASEMENT LINE
EXISTING FLOODPLAIN LINE
EXISTING FLOODWAY LINE

FLOODPLAIN (FLOOD ZONE AE) BASED ON FEMA FIRM #30015C0650 AND #30015C08150, BOTH DATED AUGUST 4, 2014 (NAVD83)
BASE FLOOD ELEVATION = 1664 FEET (NAVD 1988)

Line Table			Line Table		
Line #	Length	Direction	Line #	Length	Direction
L1	143.91	S89° 50' 56"E	L12	91.62	N00° 48' 04"E
L2	27.05	N89° 00' 00"E	L13	264.52	S89° 27' 02"E
L3	37.52	N89° 00' 00"E	L14	365.89	N89° 09' 41"E
L4	215.94	N00° 42' 19"W	L15	30.01	S00° 36' 38"W
L5	47.27	N00° 48' 04"E	L16	395.28	S89° 09' 41"W
L6	30.00	S89° 21' 20"E	L17	175.77	N89° 27' 02"W
L7	45.12	S00° 48' 04"W	L18	36.64	S59° 29' 10"W
L8	249.22	S00° 42' 19"E	L19	43.43	S34° 15' 10"W
L9	42.98	S20° 00' 00"W	L20	6.63	S00° 48' 04"W
L10	71.40	S80° 00' 00"W	L21	100.00	N00° 38' 52"E
L11	17.09	S89° 27' 02"E	L22	100.00	N00° 38' 52"E



STAFF REPORT

City of Bismarck
Community Development Department
Planning Division

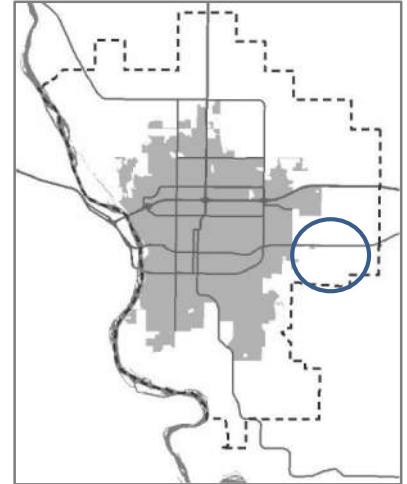
Agenda Item # 7
February 26, 2020

Application for: Zoning Change Major Subdivision Final Plat

TRAKiT Project ID: ZC2019-009
FPLT2020-003

Project Summary

Title:	Apple Meadows Third Subdivision
Status:	Planning & Zoning Commission – Public Hearing
Owner(s):	Sattler Family, LLLP
Project Contact:	Landon Niemiller, Swenson, Hagen & Co.
Location:	East of Bismarck, south of County Highway 10 between 4th Avenue SE and Apple Creek Road, along the east side of 80th Street SE (part of the SW¼ of Section 4, T138N-R79W/ Apple Creek Township)
Project Size:	103.1 acres
Request:	Plat and zone property for rural residential development



Site Information

Existing Conditions		Proposed Conditions	
Number of Lots:	1 parcel	Number of Lots:	28 lots in 2 blocks
Land Use:	Agriculture	Land Use:	Rural Residential
Designated GMP	Conventional Rural Residential	Designated GMP	Conventional Rural Residential
Future Land Use:	Conservation	Future Land Use:	Conservation
Zoning:	A – Agricultural	Zoning:	RR – Residential
Uses Allowed:	A – Agriculture	Uses Allowed:	RR – Large lot single-family residential and limited agriculture
Max Density Allowed:	A – 1 unit / 40 acres	Max Density Allowed:	RR – 1 unit per 65,000 square feet

Property History

Zoned:	N/A	Platted:	N/A	Annexed:	N/A
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Staff Analysis

Sattler Family, LLLP is requesting approval of a zoning change from the A – Agriculture zoning district to the RR

– Residential zoning district and a major subdivision final plat for Apple Meadows Third Subdivision.

(continued)

The Planning and Zoning Commission at their meeting of December 19, 2019 tentatively approved the proposed plat and called for a public hearing on the proposed zoning change.

Adjacent uses include rural residential to the north across 4th Avenue SE, to the west across 80th Street SE, and to the south, and agriculturally-zoned residential uses to the east.

Future Land Use Plan

The Future Land Use Plan in the 2014 Growth Management Plan, as amended, identifies the majority of the area in the proposed plat as Rural Residential (RR) and a smaller area in the southeastern portion of the plat identified as Conservation (C).

The Rural Residential land use designation allows for single-family residential uses and calls for densities of less than one unit per acre. The Conservation land use designation allows for areas such as streams, greenways, and wetlands maintained as permanent open space. This conservation area is also located within the Special Flood Hazard Area (SFHA) or 100-year floodplain. The proposed zoning change conforms to the Future Land Use Plan.

Fringe Area Road Master Plan

The 2014 Fringe Area Road Master Plan identifies 80th Street SE along the west side of the proposed plat as an arterial roadway and 4th Avenue SE, along the north side of the proposed plat as a collector roadway. Eighty feet of right-of-way is proposed to be dedicated for 4th Avenue SE and 4th Avenue SE is proposed to be paved in accordance with Burleigh County standards from 80th Street SE to the eastern portion of the intersection of 4th Avenue SE and Fuji Drive, the north-south roadway in the proposed plat. The proposed plat conforms to the Fringe Area Road Master Plan.

Required Findings of Fact (relating to land use)

Zoning Change

1. The proposed zoning change generally conforms to the Future Land Use Plan in the 2014 Growth Management Plan, as amended;

2. The proposed zoning change is compatible with adjacent land uses and zoning;
3. The City of Bismarck and/or other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the new zoning classification at the time the property is developed;
4. The Apple Creek Township Board of Supervisors has received notification of the proposed zoning change; however, they have not yet made a recommendation for the proposed zoning change;
5. The proposed zoning change is justified by a change in conditions since the previous zoning classification was established or by an error in the zoning map;
6. The zoning change is in the public interest and is not solely for the benefit of a single property owner;
7. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance;
8. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
9. The proposed zoning change would not adversely affect the public health, safety, and general welfare.

Final Plat

1. All technical requirements for approval of a final plat have been met;
2. The final plat generally conforms to the preliminary plat for the proposed subdivision that was tentatively approved by the Planning and Zoning Commission;
3. The proposed subdivision generally conforms to the 2014 Fringe Area Road Master Plan, as amended;
4. The City Engineer has conditionally approved the Post-Construction Stormwater Management Permit (PCSMP) with written concurrence from the County Engineer;

(continued)

5. The provision of neighborhood parks and open space is not needed because the proposed final plat is not an urban subdivision with residential zoning districts;
6. The Apple Creek Township Board of Supervisors has received notification of the proposed final plat; however, they have not yet made a recommendation for the proposed final plat;
7. The proposed subdivision plat includes sufficient easements and rights-of-way to provide for orderly development and provision of municipal services beyond the boundaries of the subdivision.
8. The City of Bismarck and/or other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the proposed subdivision at the time the property is developed;
9. Portions of the proposed subdivision is located within the Special Flood Hazard Area (SFHA), also known as the 100-year floodplain. However, the subdivision is proposed to be developed according to existing ordinance requirements pertaining to development in the floodplain and therefore, the proposed development would not adversely impact water quality and/or environmentally sensitive lands,
10. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance;
11. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
12. The proposed subdivision would not adversely affect the public health, safety and general welfare.

Staff Recommendation

Based on the above findings, staff recommends approval of the zoning change from the A – Agriculture zoning district to the RR – Residential zoning district and the major subdivision final plat for Apple Meadows Third Subdivision.

Attachments

1. Location Map
2. Aerial Map
3. Zoning and Plan Reference Map
4. Final Plat
5. Preliminary Plat

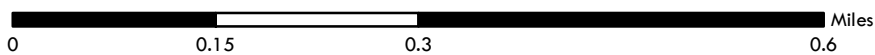
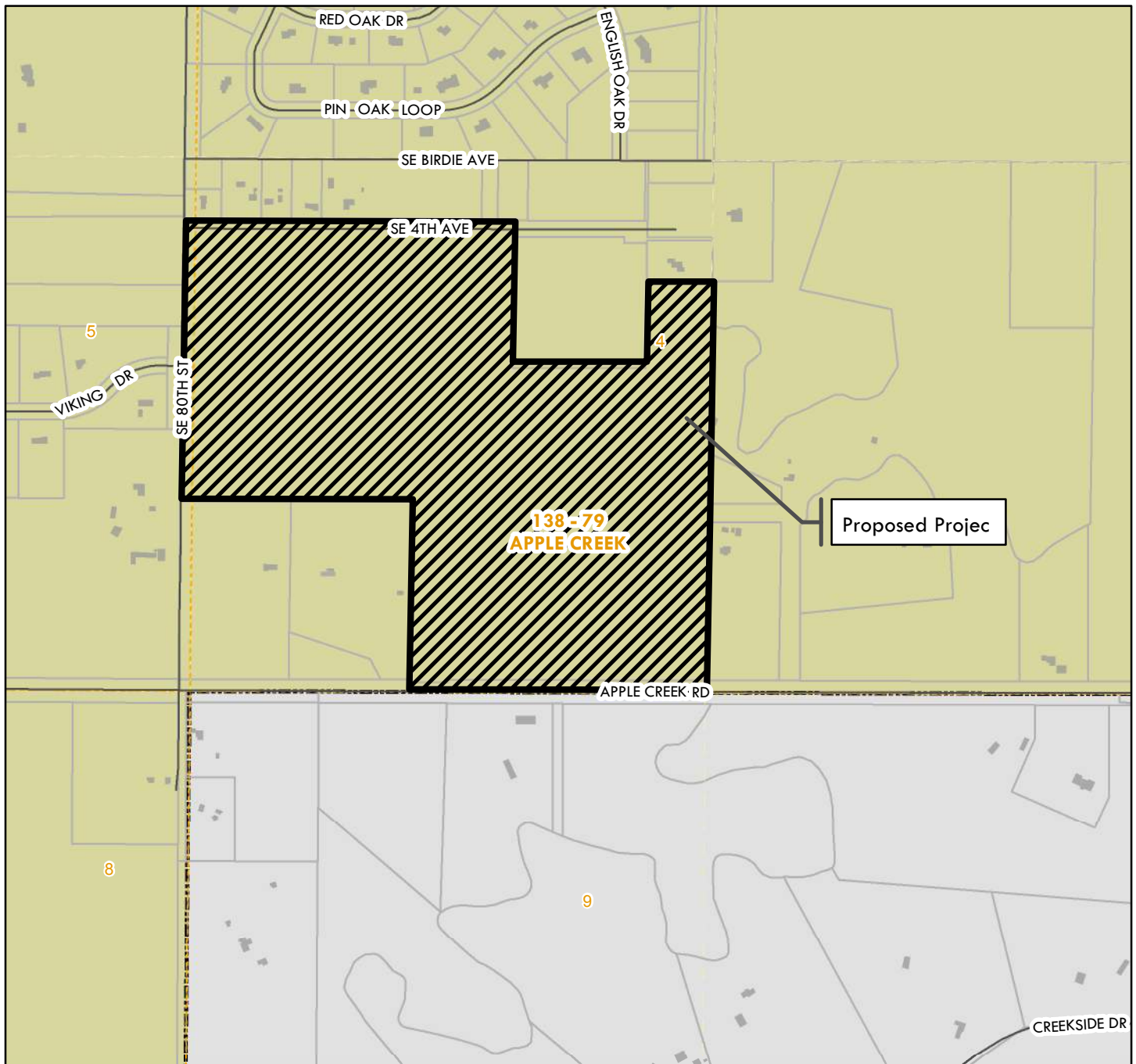
Staff report prepared by: Jenny Wollmuth, AICP, CFM, Planner
701-355-1845 | jwollmuth@bismarcknd.gov



Location Map

Apple Meadows Third Subdivision

FPLT2020-003
ZC2019-009

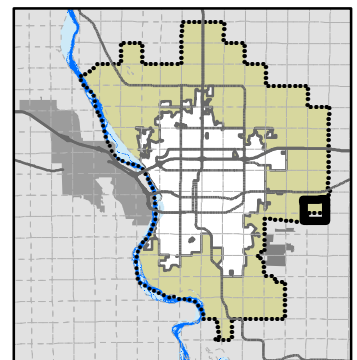


Section, township, and
range indicated in orange



City of Bismarck
Community Development Department
Planning Division
October 21, 2019 (HLB)

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not represent a survey. No liability is assumed as
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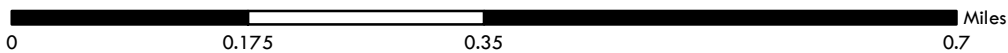
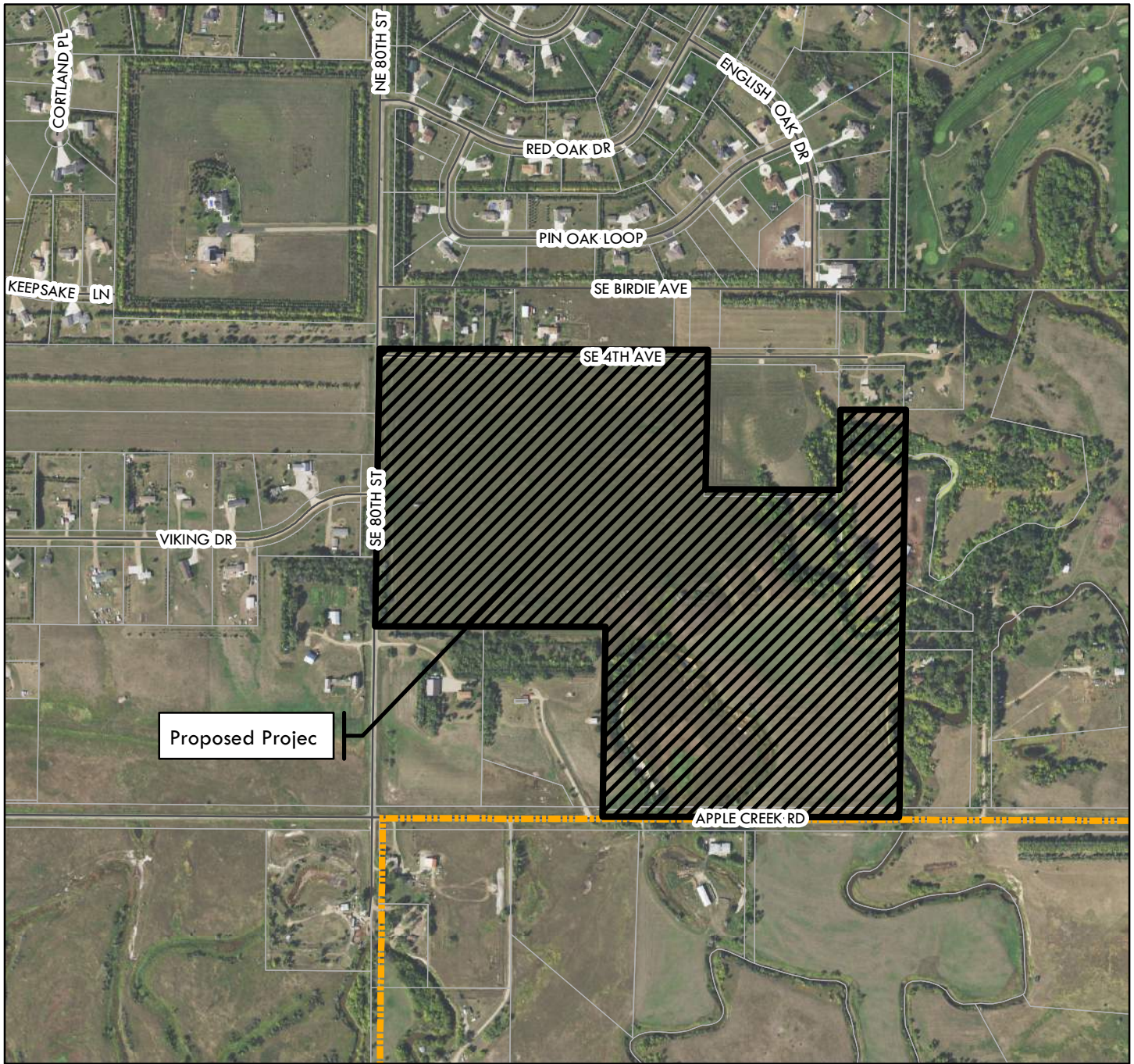




Aerial Map

FPLT2020-003
ZC2019-009

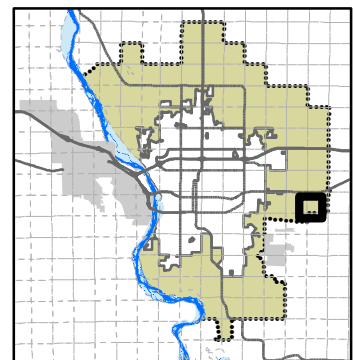
Apple Meadows Thrid Subdivision



Aerial Imagery from 2018

City of Bismarck
Community Development Department
Planning Division
November 14, 2019

This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.





Zoning and Plan Reference Map

Apple Meadows Third Subdivision

FPLT2020-003
ZC2019-009

- Project Area - No Change Proposed
- Zoning or Plan Change Proposed

Zoning Districts

A	Agriculture
RR	Rural Residential
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe

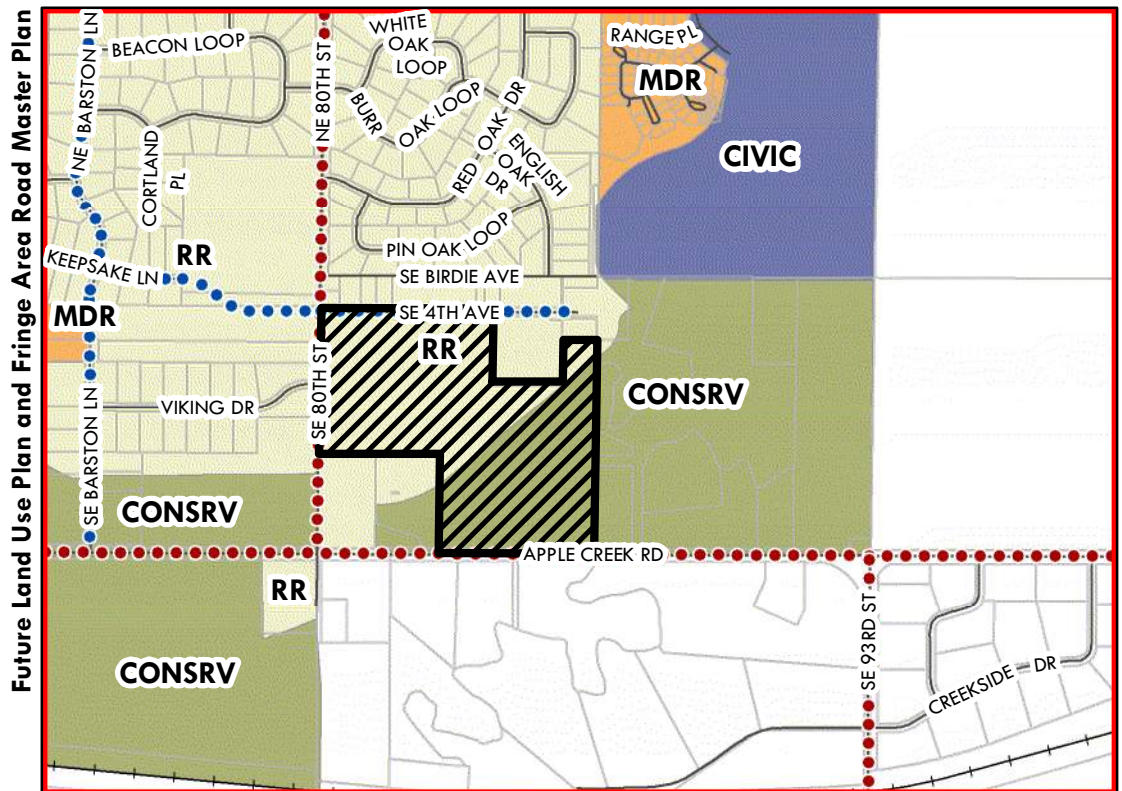
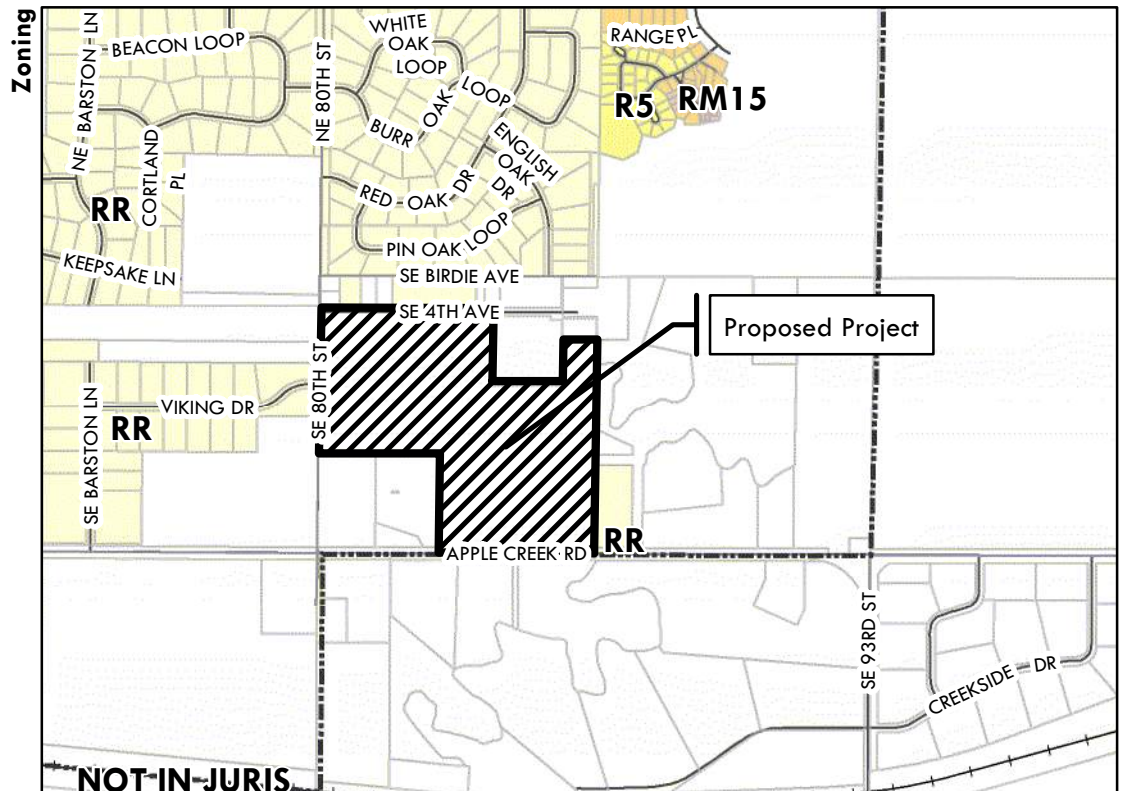
Diagonal lines indicate special condition

Future Land Use Plan

CONSRV	Conservation
BP	Business Park
C	Commercial
C/MU	Commercial/Mixed Use
CIVIC	Civic
HDR	High Density Residential
I	Industrial
LDR	Low Density Residential
MDR	Medium Density Residential
MDR-/MU	Medium Density Residential/Mixed Use
O/MU	Office/Mixed Use
RR-C	Clustered Rural Residential
RR	Standard Rural Residential
UR	Urban Reserve

Fringe Area Road Master Plan

- Planned Arterial
- Planned Collector



0 0.275 0.55 1.1 Miles

City Limits

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City of Bismarck
Community Development Dept.
Planning Division
November 14, 2019

APPLE MEADOWS THIRD SUBDIVISION

BEING 4TH AVENUE SE OF WEIGAND'S SUBDIVISION AND
PART OF THE SW 1/4 OF
SECTION 4, TOWNSHIP 138 NORTH, RANGE 79 WEST
BURLEIGH COUNTY, NORTH DAKOTA

DESCRIPTION

BEING 4TH AVENUE SE OF WEIGAND'S SUBDIVISION AND PART OF THE SOUTHWEST 1/4 OF SECTION 4, TOWNSHIP 138 NORTH, RANGE 79 WEST, BURLEIGH COUNTY, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF AUDITOR'S LOT A OF THE SW 1/4 OF SAID SECTION 4; THENCE SOUTH 89 DEGREES 50 MINUTES 58 SECONDS EAST, ALONG THE BOUNDARY OF SAID AUDITOR'S LOT A, A DISTANCE OF 686.17 FEET; THENCE NORTH 00 DEGREES 56 MINUTES 01 SECOND EAST, CONTINUING ALONG SAID BOUNDARY, A DISTANCE OF 439.56 FEET TO THE SOUTH LINE OF THE PROPERTY DESCRIBED IN WARRANTY DEED DOC #711702; THENCE SOUTH 89 DEGREES 49 MINUTES 13 SECONDS EAST, ALONG SAID WARRANTY DEED SOUTH LINE, A DISTANCE OF 327.23 FEET TO THE EAST LINE OF SAID SW 1/4; THENCE SOUTH 00 DEGREES 48 MINUTES 30 SECONDS WEST, ALONG SAID EAST LINE, A DISTANCE OF 2053.07 FEET TO THE SOUTH LINE OF SAID SW 1/4; THENCE NORTH 89 DEGREES 50 MINUTES 21 SECONDS WEST, ALONG SAID SOUTH LINE, A DISTANCE OF 1468.56 FEET TO THE EAST LINE OF AUDITOR'S LOT B OF SAID SW 1/4; THENCE NORTH 00 DEGREES 09 MINUTES 53 SECONDS EAST, ALONG SAID EAST LINE, A DISTANCE OF 949.76 FEET TO THE NORTH LINE OF SAID AUDITOR'S LOT B; THENCE NORTH 89 DEGREES 50 MINUTES 09 SECONDS WEST, ALONG SAID NORTH LINE, A DISTANCE OF 603.77 FEET; THENCE NORTH 00 DEGREES 38 MINUTES 50 SECONDS EAST, A DISTANCE OF 135.13 FEET; THENCE NORTH 89 DEGREES 18 MINUTES 42 SECONDS WEST, ALONG SAID SOUTH LINE, A DISTANCE OF 551.32 FEET TO THE WEST LINE OF SAID SW 1/4; THENCE NORTH 00 DEGREES 44 MINUTES 18 SECONDS EAST, ALONG SAID WEST LINE, A DISTANCE OF 1262.97 FEET TO THE NORTH LINE OF 4TH AVENUE SE OF WEIGAND'S SUBDIVISION; THENCE SOUTH 89 DEGREES 50 MINUTES 41 SECONDS EAST, ALONG SAID NORTH LINE AND THE SOUTH LINES OF AUDITOR'S LOTS C & D OF SAID SW 1/4, A DISTANCE OF 2310.32 FEET TO THE WEST LINE OF A PROPERTY DESCRIBED IN WARRANTY DEED DOC #86535; THENCE SOUTH 00 DEGREES 56 MINUTES 01 SECOND WEST, A DISTANCE OF 115.17 FEET; THENCE NORTH 89 DEGREES 49 MINUTES 00 SECONDS WEST, A DISTANCE OF 114.37 FEET; THENCE NORTH 00 DEGREES 48 MINUTES 22 SECONDS EAST, CONTINUING ALONG SAID BOUNDARY, A DISTANCE OF 34.97 FEET; THENCE NORTH 89 DEGREES 50 MINUTES 41 SECONDS WEST, CONTINUING ALONG SAID BOUNDARY, A DISTANCE OF 551.77 FEET; THENCE SOUTH 00 DEGREES 55 MINUTES 47 SECONDS WEST, CONTINUING ALONG SAID BOUNDARY, A DISTANCE OF 660.21 FEET TO THE POINT OF BEGINNING.

CONTAINING 103.07 ACRES, MORE OR LESS.

SURVEYOR'S CERTIFICATE

I, TERRY BALTZER, HEREBY CERTIFY I AM A LICENSED LAND SURVEYOR IN THE STATE OF NORTH DAKOTA, THAT THIS SURVEY WAS MADE BY ME OR UNDER MY DIRECTION, AND THAT THE SURVEY IS TRUE AND COMPLETE AS SHOWN, THAT ALL MONUMENTS, AND MARKS SET, TOGETHER WITH THOSE FOUND, ARE OF THE CHARACTER AND OCCUPY THE POSITIONS SHOWN THEREON, AND ARE SUFFICIENT TO ENABLE THIS SURVEY TO BE RETRACED.

STATE OF NORTH DAKOTA)
COUNTY OF BURLEIGH)
SWENSON, HAGEN & CO. P.C.
909 BASIN AVENUE
BISMARCK, NORTH DAKOTA
58504

TERRY BALTZER
REGISTERED LAND SURVEYOR
N.D. REGISTRATION NO. 3595

APPROVAL OF CITY PLANNING AND ZONING COMMISSION

THE SUBDIVISION OF LAND AS SHOWN ON THIS PLAT HAS BEEN APPROVED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF BISMARCK, NORTH DAKOTA, ON THE _____ DAY OF _____, 2020, IN ACCORDANCE WITH THE LAWS OF THE STATE OF NORTH DAKOTA AND ORDINANCES OF THE CITY OF BISMARCK.

MICHAEL J. SCHWARTZ - CHAIRMAN
ATTEST
BEN EHRETH - SECRETARY

APPROVAL OF BOARD OF CITY COMMISSIONERS

THE BOARD OF CITY COMMISSIONERS OF THE CITY OF BISMARCK, NORTH DAKOTA, HAS APPROVED THE SUBDIVISION OF LAND AS SHOWN ON THIS PLAT, HAS APPROVED THE GROUNDS AS SHOWN ON THE PLAT AS AN AMENDMENT OF THE MASTER PLAN OF THE CITY OF BISMARCK, NORTH DAKOTA, HAS ACCEPTED THE REDEDICATION OF ALL RIGHTS OF WAY AND PUBLIC EASEMENTS SHOWN THEREON, AND DOES HEREBY VACATE ANY PREVIOUS PLATTING WITHIN THE BOUNDARY OF THIS PLAT.

THE FOREGOING ACTION OF THE BOARD OF CITY COMMISSIONERS OF BISMARCK, NORTH DAKOTA, WAS APPROVED THE _____ DAY OF _____, 2020.

ATTEST
KEITH J. HUNKE - CITY ADMINISTRATOR

APPROVAL OF BOARD OF COUNTY COMMISSIONERS

THE BOARD OF COUNTY COMMISSIONERS OF BURLEIGH COUNTY, NORTH DAKOTA, HAS APPROVED THE SUBDIVISION OF LAND AS SHOWN ON THE PLAT, HAS ACCEPTED THE DEDICATION OF ALL STREETS SHOWN THEREON, HAS APPROVED THE GROUNDS AS SHOWN ON THE PLAT AS AN AMENDMENT TO THE MASTER PLAN OF BURLEIGH COUNTY, NORTH DAKOTA, AND DOES HEREBY VACATE ANY PREVIOUS PLATTING WITHIN THE BOUNDARY OF THE PLAT.

THE FOREGOING ACTION OF THE BOARD OF COUNTY COMMISSIONERS OF BURLEIGH COUNTY, NORTH DAKOTA, WAS TAKEN BY RESOLUTION APPROVED THE _____ DAY OF _____, 20____.

BRIAN BITNER-CHAIRMAN
ATTEST: KEVIN GLATT
BURLEIGH COUNTY AUDITOR/TREASURER

APPROVAL OF CITY ENGINEER

I, GABRIEL J. SCHELL, CITY ENGINEER OF THE CITY OF BISMARCK, NORTH DAKOTA, HEREBY APPROVE "APPLE MEADOWS THIRD SUBDIVISION", BURLEIGH COUNTY, NORTH DAKOTA AS SHOWN ON THE ANNEXED PLAT.

GABRIEL J. SCHELL
CITY ENGINEER

OWNER'S CERTIFICATE & DEDICATION

WE, SATTLER FAMILY, LLP, BEING ALL THE OWNERS OF THE LANDS PLATTED HEREIN, DO HEREBY VOLUNTARILY CONSENT TO THE EXECUTION OF THIS PLAT TITLED "APPLE MEADOWS THIRD SUBDIVISION", AND DEDICATE AND REDEDICATE ALL RIGHTS OF WAY TO BURLEIGH COUNTY AS SHOWN ON THIS PLAT FOR PUBLIC USE, AND CONSENT TO ANY ACCESS CONTROL TO THE PROPERTY AS SHOWN.

WE ALSO DEDICATE ALL EASEMENTS AS SHOWN ON THIS PLAT AS "UTILITY EASEMENTS" TO RUN WITH THE LAND FOR PUBLIC AND PRIVATE UTILITIES OR SERVICES ON, ACROSS, OR UNDER THOSE CERTAIN STRIPS OF LAND.

WE ALSO DEDICATE ALL EASEMENTS AS SHOWN ON THIS PLAT AS "ACCESS EASEMENTS" TO RUN WITH THE LAND FOR USE BY ALL LAND OWNING PARTIES, THEIR TENANTS, VISITORS, AND LICENSEES, AND FOR THE USE OF ANY GOVERNMENTAL SUBDIVISION, ITS OFFICERS AND EMPLOYEES FOR EMERGENCY SERVICES AND ANY OTHER GOVERNMENTAL USE OR USES, PROVIDED THAT MAINTENANCE AND CLEARANCE OF THE EASEMENT IS THE RESPONSIBILITY OF THE LAND OWNING PARTIES AND THE CITY SHALL NOT BE RESPONSIBLE IN ANY WAY TO FURNISH ANY CITY SERVICES IF SUCH ACCESS EASEMENTS ARE NOT PROPERLY MAINTAINED OR ARE OBSTRUCTED BY THE OWNERS OF THE PROPERTY IN THE SUBDIVISION.

WE ALSO DEDICATE TO BURLEIGH COUNTY, FOR PUBLIC USE, ALL EASEMENTS AS SHOWN ON THIS PLAT AS "STORMWATER & DRAINAGE EASEMENTS" TO RUN WITH THE LAND FOR THE PURPOSES OF ALLOWING THE FREE AND UNOBSTRUCTED FLOW OF WATER UNDER AND/OR OVER THOSE AREAS INCLUDING THE CONSTRUCTION AND MAINTENANCE OF STORMWATER FACILITIES TOGETHER WITH THE NECESSARY APPURTENANCES.

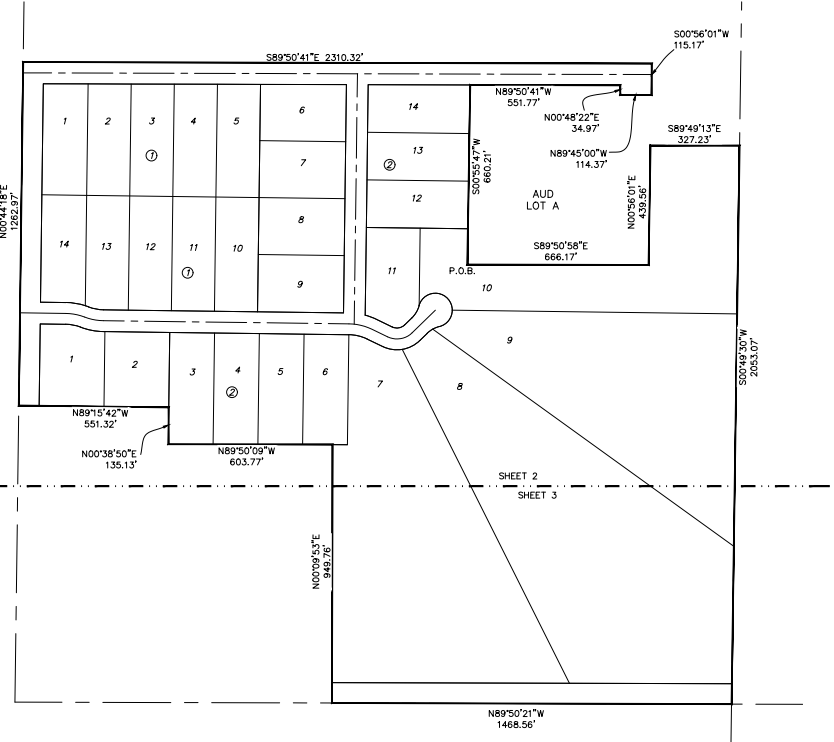
WE FURTHER GRANT ANY OTHER EASEMENTS OR SERVITUDES AS SHOWN AND THOSE THAT ARE RECORDED, BUT NOT SHOWN.

STATE OF NORTH DAKOTA)
COUNTY OF BURLEIGH)

ROBB SATTLER
SATTLER FAMILY, LLP
3220 ARIZONA DR.
BISMARCK, ND 58503

ON THIS _____ DAY OF _____, 2020, BEFORE ME PERSONALLY APPEARED ROBB SATTLER OF SATTLER FAMILY, LLP, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING CERTIFICATE AND HE ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

NOTARY PUBLIC
BURLEIGH COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES _____



NOTES

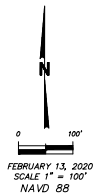
BASIS OF BEARING:
NORTH DAKOTA STATE PLANE, SOUTH ZONE BY
CITY ORDINANCE

COORDINATE DATA:
NORTH DAKOTA STATE PLANE, COORDINATE
SYSTEM
NAD 83 SOUTH ZONE
ADJUSTMENT OF 1986
UNITS ARE INTERNATIONAL FEET

BEARINGS AND DISTANCES MAY VARY FROM
PREVIOUS PLATS DUE TO DIFFERENT METHODS
OF MEASUREMENTS.

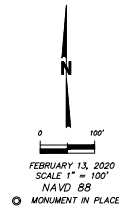
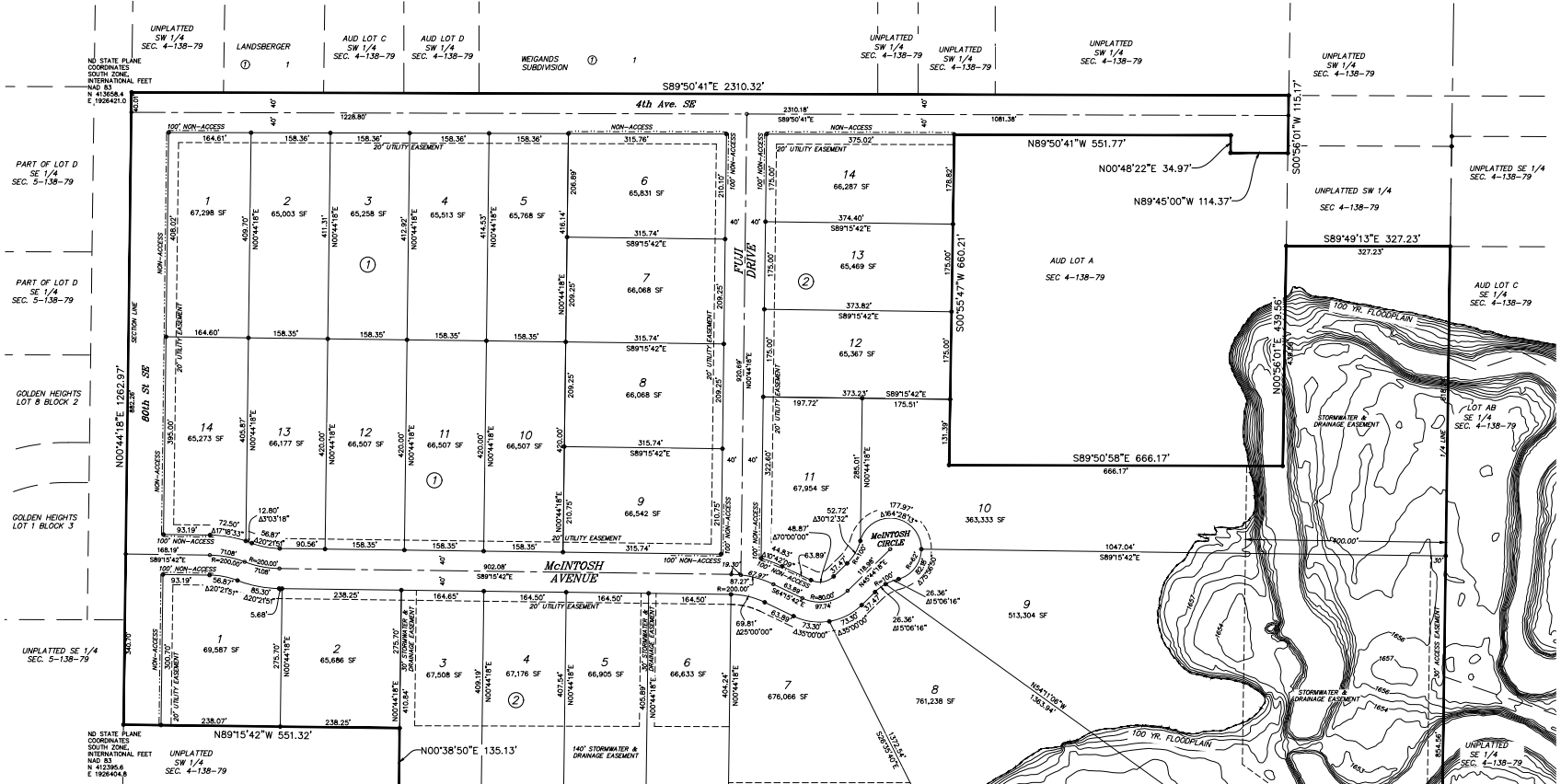
FLOODPLAIN INFORMATION
FEMA FLOOD INSURANCE RATE MAP
COMMUNITY PANEL NUMBER 3801082020
DATED AUGUST 4, 2014
FLOOD PLAIN ELEVATION
VARIES BETWEEN 1658-1661 (NAVD 88)

AREA DATA
LOTS 13,900,807 S.F. 89.55 ACRES
STREET 151,500 S.F. 3.45 ACRES
TOTAL 14,402,307 S.F. 103.07 ACRES



SWENSON, HAGEN & COMPANY P.C.
Surveying
Hydrology
Land Planning
Civil Engineering
Landscaping & Site Design
Construction Management
909 Basin Avenue
Bismarck, North Dakota 58504
shc@swensonghagen.com
Phone (701) 221-2000
Fax (701) 221-2006

**BEING 4TH AVENUE SE OF WEIGAND'S SUBDIVISION AND
PART OF THE SW 1/4 OF
SECTION 4, TOWNSHIP 138 NORTH, RANGE 79 WEST
BURLEIGH COUNTY, NORTH DAKOTA**



NOTES

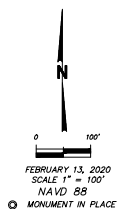
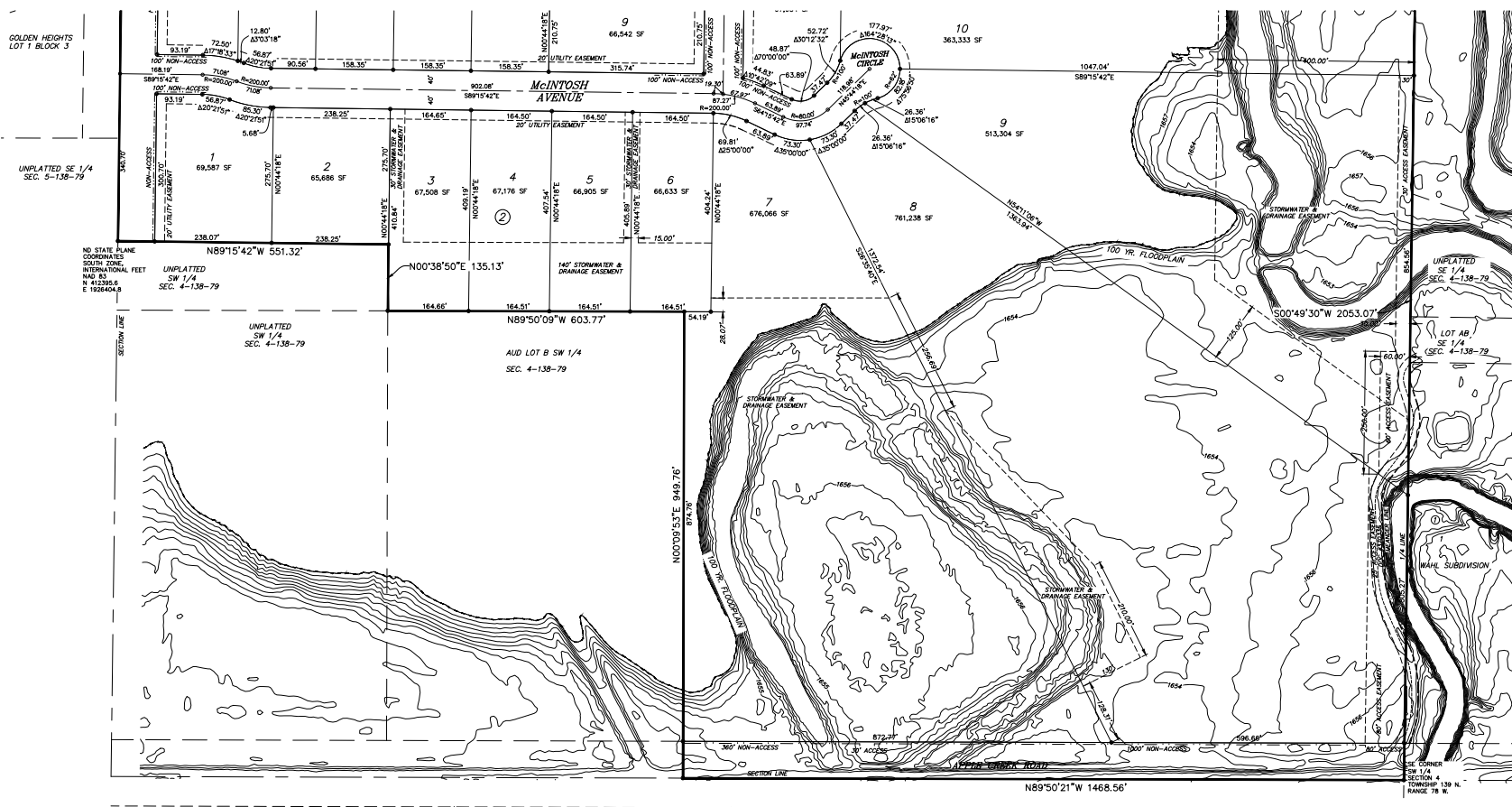
BASIS OF BEARINGS:
NORTH DAKOTA STATE PLANE, SOUTH ZONE BY
CITY ORDINANCE

COORDINATE DATUM:
NORTH DAKOTA STATE PLANE COORDINATE
SYSTEM
NAD 83 SOUTH ZONE
ADJUSTMENT OF 1986
UNITS ARE INTERNATIONAL FEET

BEARINGS AND DISTANCES MAY VARY FROM
PREVIOUS PLATS DUE TO DIFFERENT METHODS
OF MEASUREMENTS.

FLOODPLAIN INFORMATION	
FEMA FLOOD INSURANCE RATE MAP	COMMUNITY PANEL NUMBER 3805500200
DATED AUGUST 4, 2014	
FLOOD PLAIN ELEVATION	VARIABLE BETWEEN 1658-1661 (NAVD 88)
AREA DATA	
LOTS	13,900.907 S.F. 89.66 ACRES
STREETS	589,588 S.F. 13.37 ACRES
TOTAL	14,490.809 S.F. 110.03 ACRES

**BEING 4TH AVENUE SE OF WEIGAND'S SUBDIVISION AND
PART OF THE SW 1/4 OF
SECTION 4, TOWNSHIP 138 NORTH, RANGE 79 WEST
BURLEIGH COUNTY, NORTH DAKOTA**



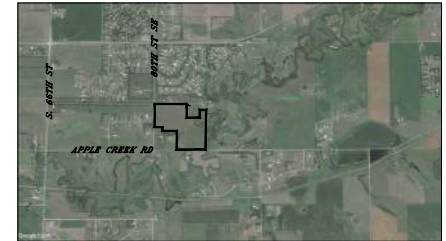
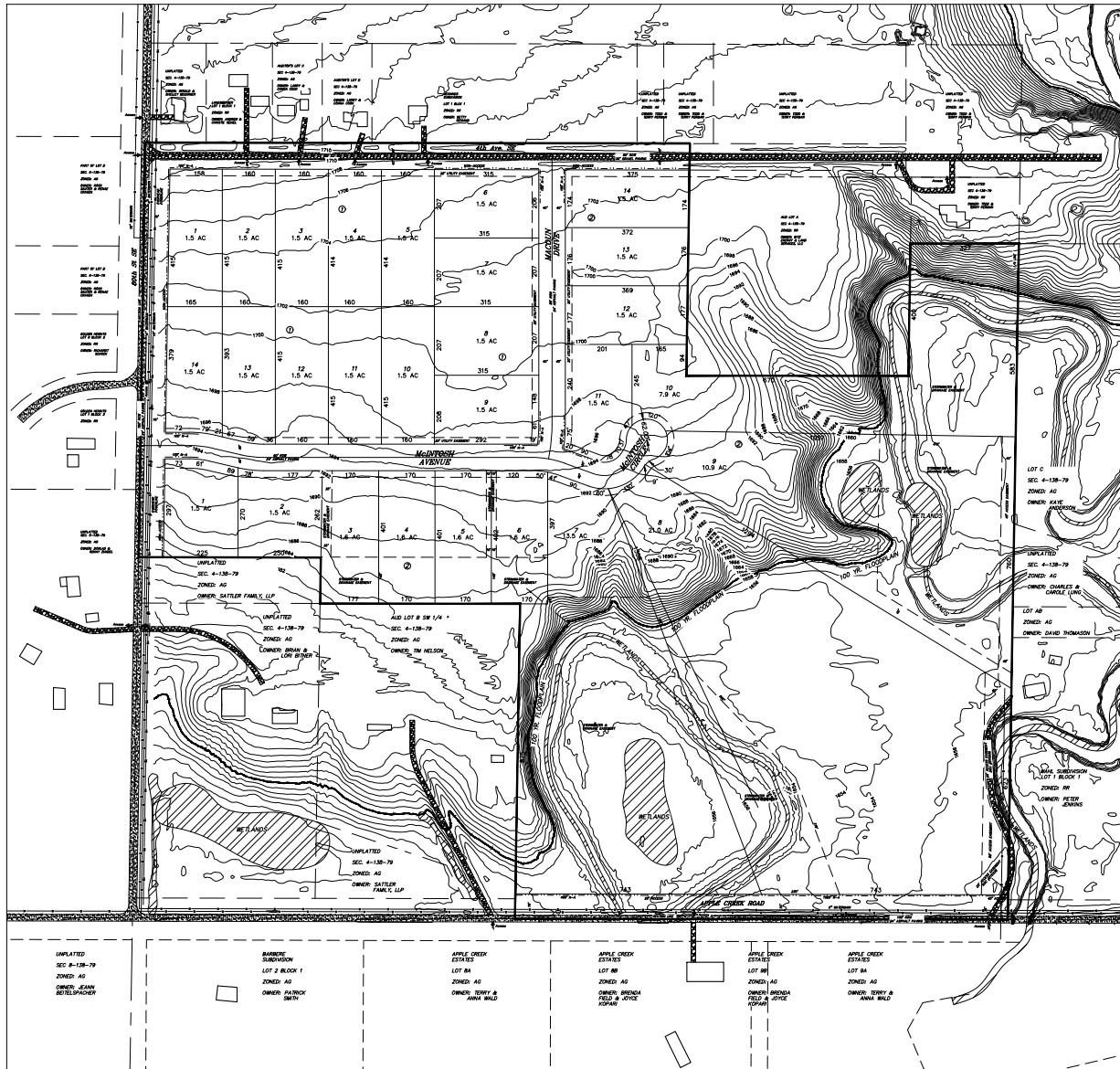
NOTES
BASIS OF BEARINGS:
NORTH DAKOTA STATE PLANE, SOUTH ZONE BY
CITY ORDINANCE
COORDINATE DATUM:
NORTH DAKOTA STATE PLANE COORDINATE
SYSTEM
NAD 83 SOUTH ZONE
ADJUSTMENT OF 1986
UNITS ARE INTERNATIONAL FEET
BEARINGS AND DISTANCES MAY VARY FROM
PREVIOUS PLATS DUE TO DIFFERENT METHODS
OF MEASUREMENTS.

FLOODPLAIN INFORMATION:
FEMA FLOOD INSURANCE RATE MAP
COMMUNITY PANEL NUMBER 38015C08200
DATED AUGUST 4, 2014
FLOOD PLAIN ELEVATION:
VARIES BETWEEN 1605-61 (NAVD 88)
AREA DATA
LOTS 3,900,907 S.F. 89.55 ACRES
STREETS 588,101 S.F. 13.33 ACRES
TOTAL 4,489,008 S.F. 102.87 ACRES

APPLE MEADOWS THIRD SUBDIVISION

PART OF THE SW 1/4 OF
SECTION 4, TOWNSHIP 138 NORTH, RANGE 79 WEST

BURLEIGH COUNTY, NORTH DAKOTA



LOCATION MAP

102 ACRES
EXISTING ZONING: AG
PROPOSED ZONING: RR
28 LOTS
2 BLOCKS

OWNER: SATTLE FAMILY, LLP
ADDRESS: 3220 ARIZONA DR
BISMARCK, ND 58503

FLOODPLAIN INFORMATION
FEMA FLOOD INSURANCE RATE MAP
COMMUNITY PANEL NUMBER: 58050308200
DATED AUGUST 4, 2014
FLOOD PLAIN ELEVATION:
APPROXIMATELY 1660 (NAVD 88)



0 150' 300'
SCALE - 1" = 150'

VERTICAL DATUM: NAVD 88

NOVEMBER 14, 2019





STAFF REPORT

City of Bismarck
Community Development Department
Planning Division

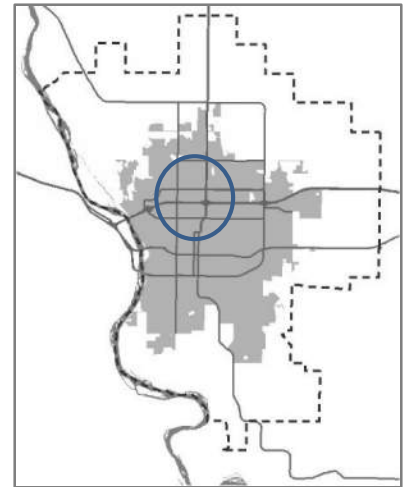
Agenda Item # 8
February 26, 2020

Application for: Major Subdivision Final Plat

TRAKiT Project ID: FPLT2020-002

Project Summary

Title:	Eugenes First Addition
Status:	Planning & Zoning Commission – Public Hearing
Owner(s):	State Street Investments, LLC
Project Contact:	Rob Illg, PLS, SEH Inc.
Location:	In north-central Bismarck north of East Divide Avenue along the west side of State Street (a replat of Lots 13-20, Block 2, Tibesar First Subdivision and part of the SE¼ of Section 28, T139N-R80W/City Lands)
Project Size:	5.07 acres
Request:	Plat property for future commercial development



Site Information

Existing Conditions

Number of Lots:	2 parcels
Land Use:	Commercial
Designated GMP Future Land Use:	Already zoned. Not in Future Land Use Plan
Zoning:	CG – Commercial
Uses Allowed:	CG – General commercial, multi-family residential, and offices
Max Density Allowed:	CG – 42 units / acre

Proposed Conditions

Number of Lots:	1 lot in 1 block
Land Use:	Commercial
Designated GMP Future Land Use:	Already zoned. Not in Future Land Use Plan
Zoning:	CG – Commercial
Uses Allowed:	CG – General commercial, multi-family residential, and offices
Max Density Allowed:	CG – 42 units / acre

Property History

Zoned:	04/1959	Platted:	07/1959 (Tibesars 1 st Add)	Annexed:	Pre-1940
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Staff Analysis

State Street Investments, LLC is requesting approval of a major subdivision final plat for Eugene's First Addition.

The Planning and Zoning Commission, at their meeting of December 18, 2019 tentatively approved the proposed plat.

The property within the proposed plat is zoned CG – Commercial. Approval of the proposed plat would allow for the redevelopment of the property for commercial uses. Redevelopment of the property may generate additional vehicle trips and a traffic impact study may be required in conjunction with site plan review.

The applicant has indicated that the property will be initially platted as a one lot, one block subdivision. Approval of a minor subdivision replat may be required if additional lots are proposed to be created in the future.

Adjacent uses include a manufactured home sales facility and manufactured home park to the north, a financial institution and fast food restaurant to the east across State Street, a fueling station to the south and commercial and public uses including a daycare center, fire station and State offices to the west, across North 11th Street.

Required Findings of Fact (relating to land use)

1. All technical requirements for approval of a final plat have been met;
2. The final plat generally conforms to the preliminary plat for the proposed subdivision that was tentatively approved by the Planning and Zoning Commission;
3. The proposed subdivision generally conforms to the 2014 Fringe Area Road Master Plan, as amended;
4. The City Engineer has conditionally approved the Post-Construction Stormwater Management Permit (PCSMP) with the understanding that additional development of the property or division of the proposed plat will require a more detailed stormwater management plan during site plan review
5. The provision of neighborhood parks and open space is not needed because the proposed final plat is not an urban subdivision with residential zoning districts;
6. The proposed subdivision plat includes sufficient easements and rights-of-way to provide for orderly development and provision of municipal services beyond the boundaries of the subdivision.
7. The City of Bismarck and/or other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the proposed subdivision at the time the property is developed;
8. The proposed subdivision is not located within the Special Flood Hazard Area (SFHA), also known as the 100-year floodplain, an area where the proposed development would adversely impact water quality and/or environmentally sensitive lands, or an area that is topographically unsuited for development;
9. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance;
10. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
11. The proposed subdivision would not adversely affect the public health, safety and general welfare.

Staff Recommendation

Based on the above findings, staff recommends approval of the major subdivision final plat for Eugene's First Addition.

Attachments

1. Location Map
2. Aerial Map
3. Zoning and Plan Reference Map
4. Final Plat

(continued)

5. Preliminary Plat

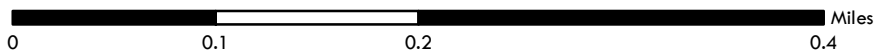
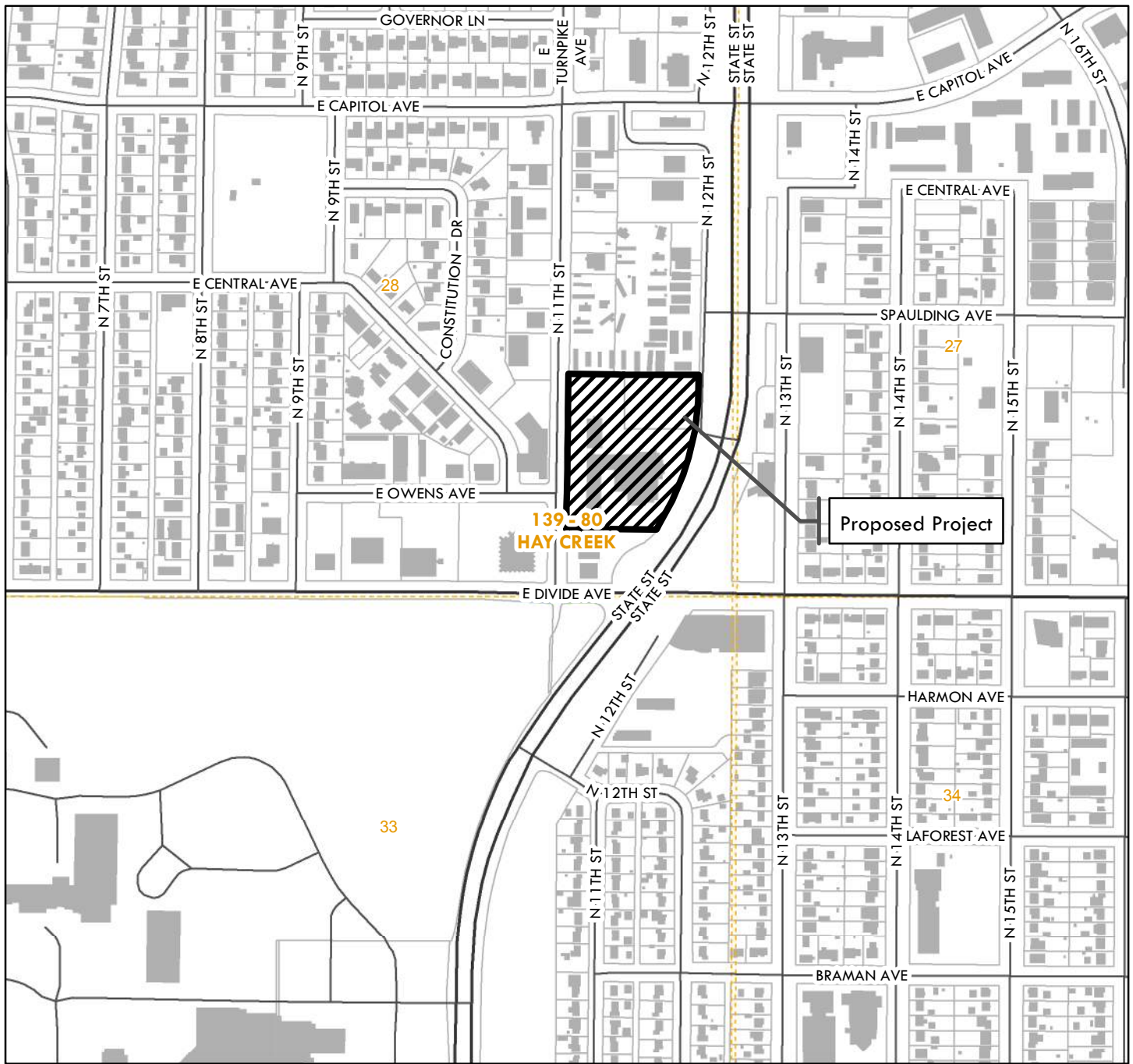
Staff report prepared by: Jenny Wollmuth, AICP, CFM
701-355-1845 | jwollmuth@bismarcknd.gov



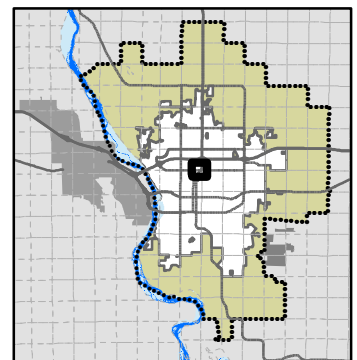
Location Map

Eugene's First Addition

PPLT2019-010
FPLT2020-002



Section, township, and range indicated in orange



City of Bismarck
Community Development Department
Planning Division
November 18, 2019 (HLB)

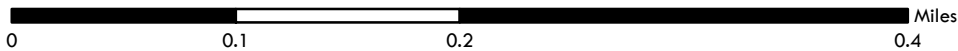
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Aerial Map

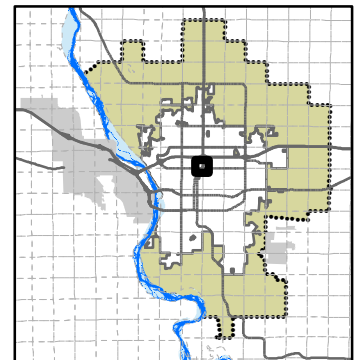
FPLT2020-003

Eugenes First Addition



Aerial Imagery from 2018

City of Bismarck
Community Development Department
Planning Division
December 9, 2019



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Zoning and Plan Reference Map

Eugenes First Addition

PPLT2019-010

FPLT2020-002

Project Area - No Change Proposed

Zoning or Plan Change Proposed

Zoning Districts

A	Agriculture
RR	Rural
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential
RT	Multifamily Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe

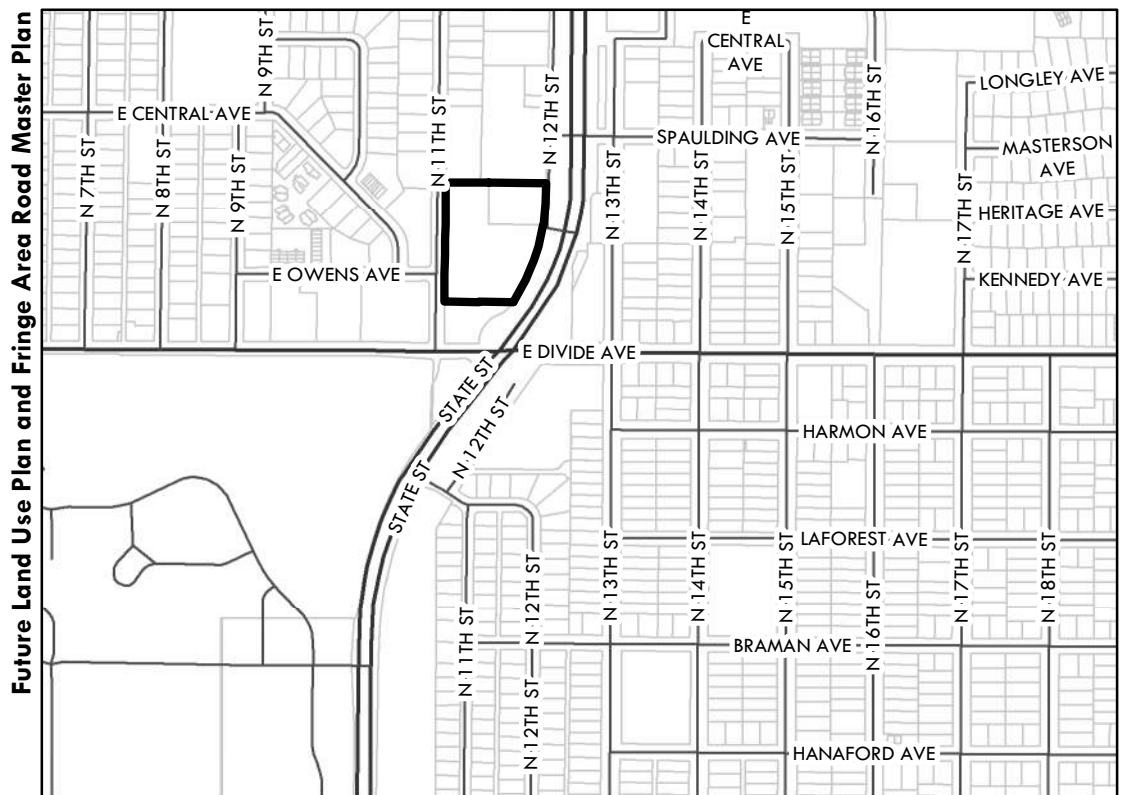
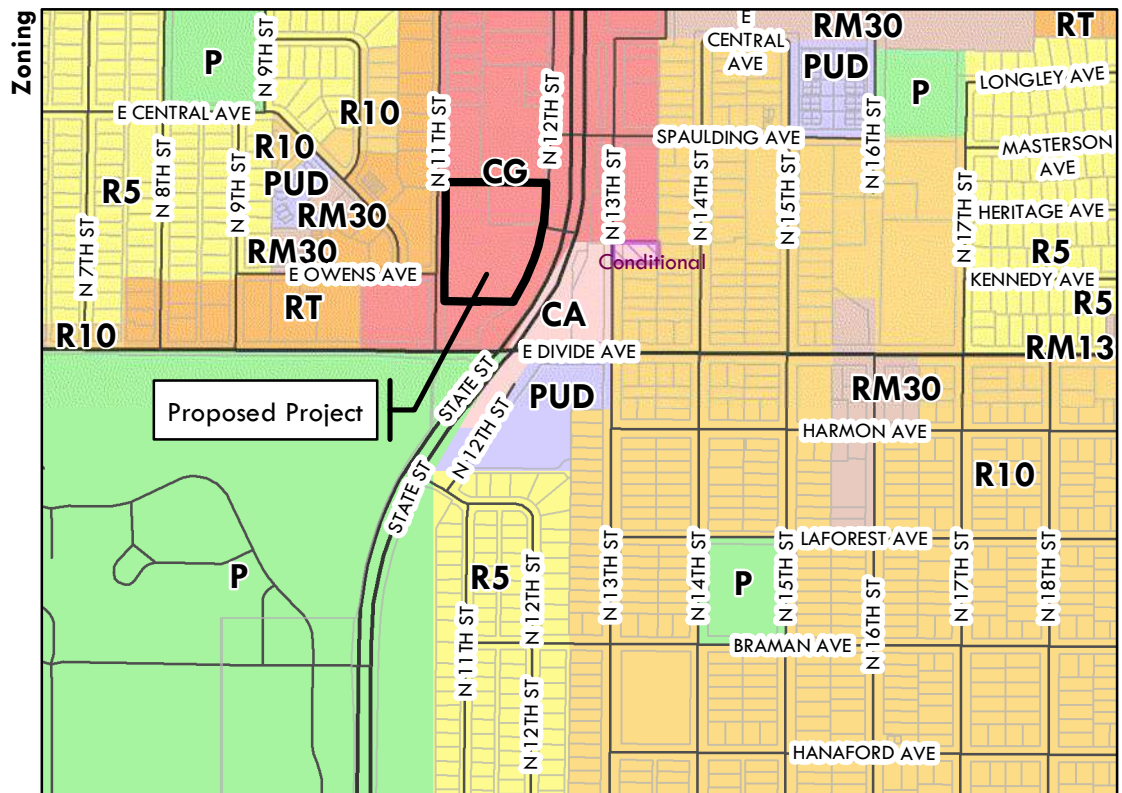
Diagonal lines indicate special condition

Future Land Use Plan

CONSRV	Conservation
BP	Business Park
C	Commercial
C/MU	Commercial/Mixed Use
CIVIC	Civic
HDR	High Density Residential
I	Industrial
LDR	Low Density Residential
MDR	Medium Density Residential
MDR-/MU	Medium Density Residential/Mixed Use
O/MU	Office/Mixed Use
RR-C	Clustered Rural Residential
RR	Standard Rural Residential
UR	Urban Reserve

Fringe Area Road Master Plan

- ● ● Planned Arterial
- ● ● Planned Collector



0 0.125 0.25 0.5 Miles

City Limits

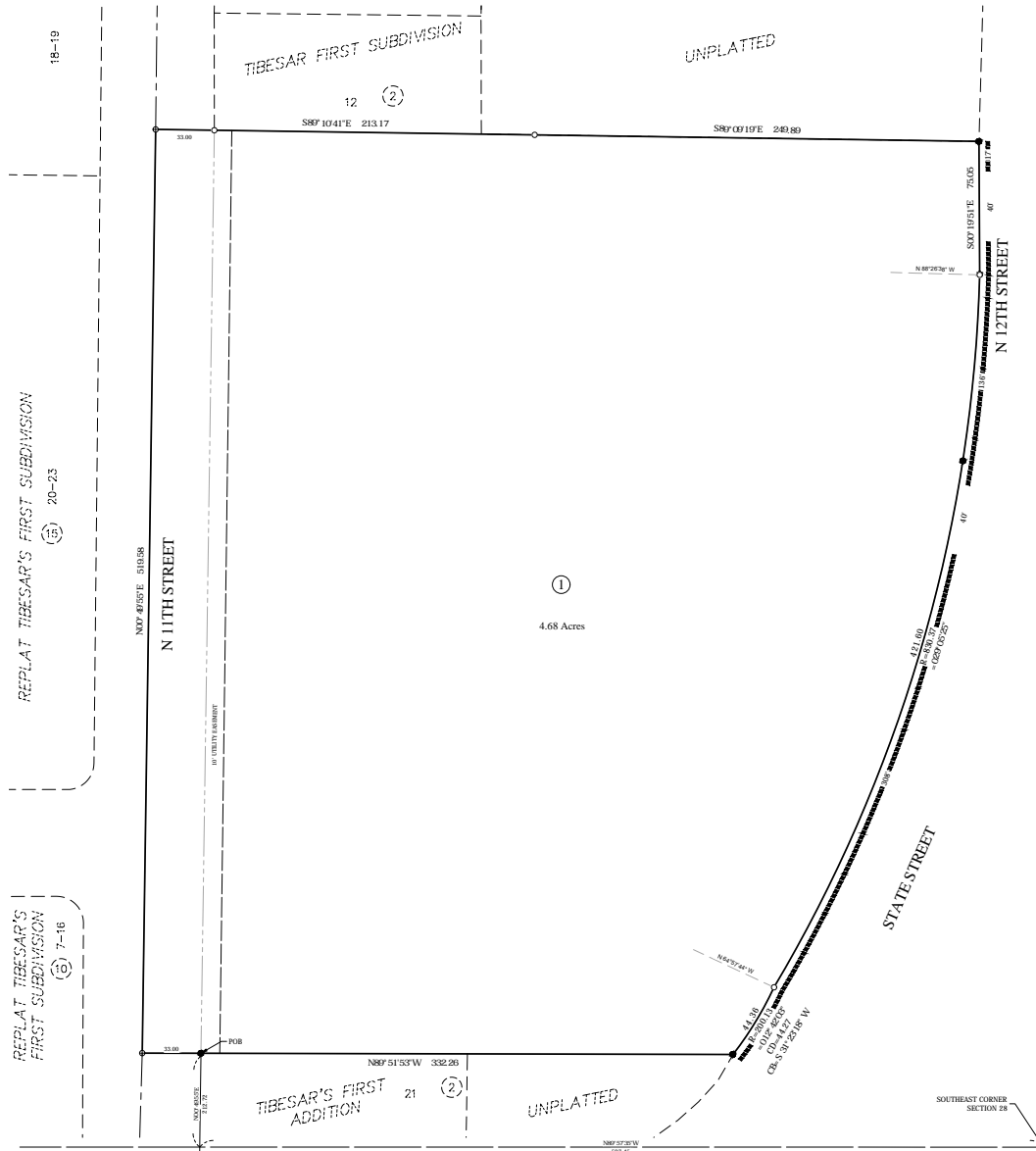
This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.



City of Bismarck
Community Development Dept.
Planning Division
February 18, 2020

EUGENES FIRST ADDITION

a replat of Lots 13-20, Block 2, Tibesar First Subdivision and adjoining North 11th Street Right of Way and all that part of the Southeast Quarter, Section 28, Township 139 North, Range 80 West of the Fifth Principal Meridian, City of Bismarck, Burleigh County, North Dakota



DESCRIPTION:

EUGENES FIRST ADDITION being a replat of Lots 13-20, Block 2, Tibesar First Subdivision and adjoining North 11th Street Right of Way and all that part of the Southeast Quarter, Section 28, Township 139 North, Range 80 West of the Fifth Principal Meridian, City of Bismarck, Burleigh County, North Dakota, and being more particularly described as follows:

Commencing at the southeast corner of Section 28; thence North 89 degrees 57 minutes 35 seconds West 587.45 feet along the south line of Section 28; thence North 00 degrees 49 minutes 53 seconds East 212.72 feet to the Point of Beginning; thence North 89 degrees 51 minutes 53 seconds West 33.00 feet to the centerline of North 11th Street; thence North 00 degrees 49 minutes 53 seconds East along said centerline 319.58 feet; thence South 89 degrees 10 minutes 41 seconds East, 213.17 feet; thence South 89 degrees 00 minutes 19 seconds East, 248.89 feet to the west right of way line of State Street; thence South 00 degrees 19 minutes 51 seconds East along said right of way line, 75.05 feet; thence continuing along said west right of way line southwesterly 421.60 feet along a tangential curve concave to the west having a radius of 830.37 feet and a central angle of 29 degrees 05 minutes 23 seconds; thence continuing along said west right of way line southwesterly 44.36 feet along a non-tangential curve concave to the west having a radius of 200.13 feet and a central angle of 12 degrees 42 minutes 10 seconds; and a chord bearing of South 31 degrees 23 minutes 18 seconds West, and a chord distance of 44.27 feet; thence North 89 degrees 51 minutes 53 seconds West 299.20 feet to the Point of Beginning.

Containing 5.07 acres, more or less.

OWNER'S CERTIFICATE AND DEDICATION

State Street Investments, LLC, being all the owners of the lands platted herein, do hereby voluntarily consent to the execution of this plat titled EUGENES FIRST ADDITION, and dedicate and rededicate all rights of way as shown on this plat for public use, and consent to any access control to the property as shown.

We also dedicate easements to the City of Bismarck to run with the land for gas, electric, telephone or other public utilities or services on or under those certain strips of land designated herein as utility, sanitary sewer, storm sewer, drainage and watermain easements.

We further dedicate any other easements or servitudes as shown and those that are recorded but not shown.

Kevin Christianson, Principal
State Street Investments, LLC

STATE OF NORTH DAKOTA } SS
COUNTY OF _____ }

Be it known on this _____ day of _____, 2020, before me personally appeared Kevin Christianson, known to me to be the person described in and who executed the within certificate and he acknowledged to me that he executed the same.

Notary Public, _____ County, North Dakota

My Commission Expires: _____

SURVEYOR'S CERTIFICATE:

I, Robert M. Big, a Registered Professional Land Surveyor in the State of North Dakota, hereby certify that I made the within and foregoing plat which is a correct representation of the survey prepared under my direct supervision and completed on January 17, 2020 that all distances are correct, that the outside boundary lines are correctly designated herein, that all dimensions and geodetic details shown herein are true and correct to the best of my knowledge and belief and that all required monuments are placed in the ground as shown.

Robert M. Big
Registered Professional Land Surveyor
License No. LS-8444



APPROVAL OF CITY PLANNING AND ZONING COMMISSION

The subdivision of land as shown on this plat has been approved by the Planning and Zoning Commission of the City of Bismarck, North Dakota, on the _____ day of _____, 2020. In accordance with the laws of the State of North Dakota and ordinances of the City of Bismarck.

Mike Schwartz
Chairman

Ben J. Elbreth
Secretary

APPROVAL OF BOARD OF CITY COMMISSIONERS

The Board of City Commissioners of the City of Bismarck, North Dakota, has approved the subdivision of land as shown on this plat, has approved the grounds on the plat as an amendment to the Master Plan for the City of Bismarck, North Dakota, has accepted the rededication of all rights of way and public easements shown thereon, and does hereby waive any previous platting within the boundary of this plat.

The foregoing action of the Board of City Commissioners of Bismarck, North Dakota, was approved the _____ day of _____, 2020.

Attest
Keith J. Hunkle, City Administrator

APPROVAL OF CITY ENGINEER

I, Gabriel J. Schell, City Engineer of the City of Bismarck, North Dakota, hereby approve "EUGENES FIRST ADDITION" Bismarck, North Dakota, as shown herein.

Gabriel J. Schell, City Engineer

AREA TABULATIONS:

Lot	203,735 sf	4.68+ Acres
Streets	= 17,140 sf	0.39+ Acres
Total	= 220,875 sf	5.07+ Acres

BENCHMARKS
City hydrant 0451 - 11th Street and Owens Avenue
Elevation = 1841.79

BASIS OF BEARING:

Derived from State Plane coordinates.

HORIZONTAL DATUM:

North Dakota State Plane Coordinate System
NAD 83 South Zone 3302 (Adjusted 86)
International Units

VERTICAL DATUM:

National Geodetic Vertical Datum of 1929

OWNERS:

State Street Investments, LLC
4265 45th St S, STE 200
Fargo, ND 58104

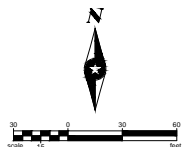
SURVEYOR:

RM / Robert M. Big, PLS
4719 Shelburne St.
Bismarck, ND 58503

SURVEYED:
May 28, 2019

LEGEND:

- FOUND MONUMENT
- REBAR W/ CAP LS-8444
- ⊙ ROADWAY POINT
- PLAT BOUNDARY
- NON ACCESS LINE
- UTILITY EASEMENT
- ADJACENT LOT LINE
- SECTION LINE



EUGENES FIRST ADDITION

PRELIMINARY

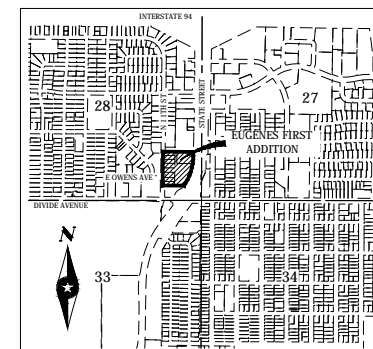
a replat of Lots 13 through 20, Block 2, Tibesar First Subdivision to the City of Bismarck and all that part of the Southeast Quarter, Section 28, Township 139 North, Range 80, West of the Fifth Principal Meridian, City of Bismarck, Burleigh County, North Dakota

DESCRIPTION:

EUGENES FIRST ADDITION being a replat of Lots 13-20, Block 2, Tibesar First Subdivision to the City of Bismarck and all that part of the Southeast Quarter, Section 28, Township 139 North, Range 80, West of the Fifth Principal Meridian, City of Bismarck, Burleigh County, North Dakota, and being more particularly described as follows:

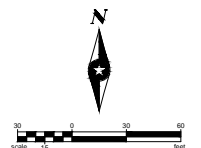
Commencing at the southeast corner of Section 28:

thence North 89 degrees 57 minutes 35 seconds West 587.45 feet along the south line of Section 28;
thence North 00 degrees 49 minutes 55 seconds East 212.72 feet to the Point of Beginning;
thence North 89 degrees 51 minutes 53 seconds West, 33.00 feet to the centerline of North 11th Street;
thence North 00 degrees 49 minutes 55 seconds East along said centerline, 519.58 feet;
thence South 89 degrees 10 minutes 41 seconds East, 213.17 feet;
thence South 89 degrees 09 minutes 19 seconds East, 249.89 feet to the west right of way line of State Street;
thence South 00 degrees 19 minutes 51 seconds East along said right of way line, 75.05 feet;
thence continuing along said west right of way line southwesterly 421.60 feet along a tangential curve concave to the west having a radius of 830.37 feet and a central angle of 29 degrees 05 minutes 25 seconds;
thence continuing along said west right of way line southwesterly 44.36 feet along a non tangential curve concave to the west having a radius of 200.15 feet and a central angle of 12 degrees 42 minutes 03 seconds, and a chord bearing of South 31 degrees 23 minutes 18 seconds West, and a chord distance of 44.27 feet;
thence North 89 degrees 51 minutes 53 seconds West 332.26 to the Point of Beginning. Containing 5.07 acres, more or less.



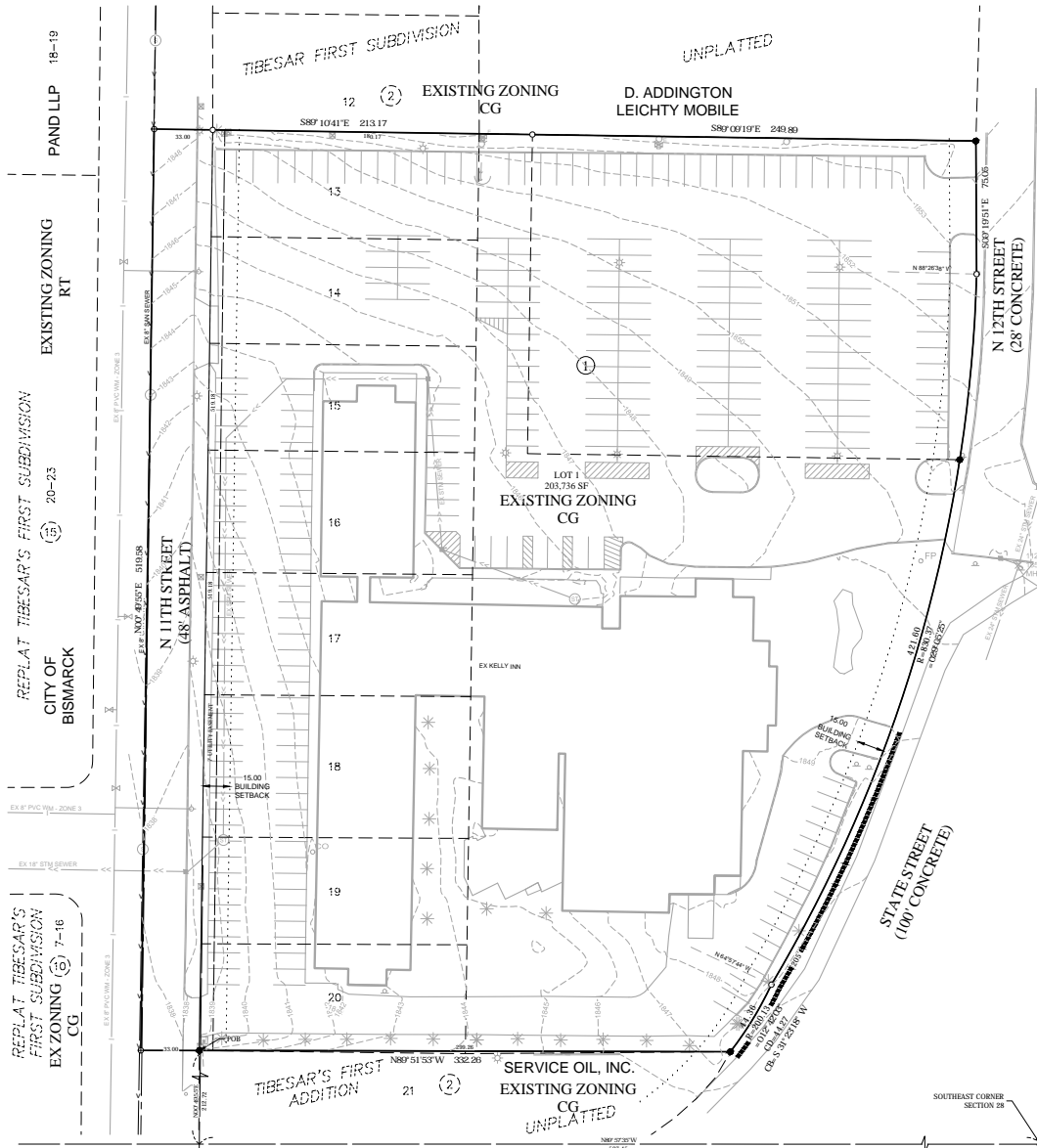
VICINITY MAP
NOT TO SCALE
T139N, 80RW

- LEGEND:**
- FOUND MONUMENT
 - REBAR W/ CAP IS-8444
 - ROADWAY POINT
 - PLAT BOUNDARY
 - NON ACCESS LINE
 - UTILITY EASEMENT
 - ADJACENT LOT LINE
 - SECTION LINE
 - SETBACK LINE



PHONE: 701.354.7121
4719 SHELburne ST, SUITE 6
BISMARCK, ND 58501-5077
www.sehinc.com

DATE: 6/20/19



AREA TABULATIONS:

T Lot = 203.735 ac 4.096 Acres
Streets = 17.140 ac 0.356 Acres
Total = 220.875 ac
BENCHMARKS
CITY HYDRANT 0451 - 11TH STREET AND OWENS AVENUE
ELEVATION = 1841.79
CITY HYDRANT 2071 - 11TH STREET 1ST NORTH OF OWENS AVENUE
ELEVATION = 1848.92

BASIS OF BEARING:

Derived from State Plane coordinates.

HORIZONTAL DATUM:

North Dakota State Plane Coordinate System

NAD 83 South Zone 3302 (Adjusted 88)

International Units

VERTICAL DATUM:

NATURAL GEODIC VERTICAL DATUM OF 1929

OWNERS:

STATE STREET INVESTMENTS, LLC
4285 45TH ST S, SITE 200
FARGO, ND 58104

SURVEYOR:

SEB 7 Robert M. Mc PLS May 29, 2019
4719 Shelburne St.
Bismarck, ND 58503



STAFF REPORT

City of Bismarck
Community Development Department
Planning Division

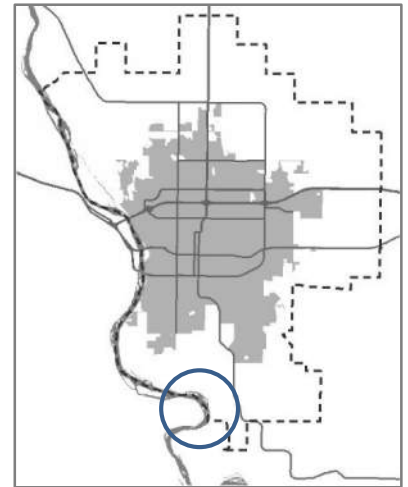
Agenda Item # 9
February 26, 2020

Application for: Major Subdivision Final Plat

TRAKiT Project ID: FPLT2020-001

Project Summary

<i>Title:</i>	Dunn Subdivision
<i>Status:</i>	Planning & Zoning Commission – Public Hearing
<i>Owner(s):</i>	Luella Dunn
<i>Project Contact:</i>	Landon Niemiller, Swenson, Hagen & Co.
<i>Location:</i>	South of Bismarck, between the Missouri River and Sibley Drive, along the south side of Oahe Bend Drive (Auditor's Lot A of the NW ¹ / ₄ , Section 34, T138N-R80W/Lincoln Township)
<i>Project Size:</i>	8.4 acres
<i>Request:</i>	Plat property into two lots for future residential development



Site Information

Existing Conditions		Proposed Conditions	
<i>Number of Lots:</i>	1 parcel	<i>Number of Lots:</i>	2 lots in 1 block
<i>Land Use:</i>	Rural Residential	<i>Land Use:</i>	Rural Residential
<i>Designated GMP Future Land Use:</i>	Conventional Rural Residential	<i>Designated GMP Future Land Use:</i>	Conventional Rural Residential
<i>Zoning:</i>	RR – Residential	<i>Zoning:</i>	RR – Residential
<i>Uses Allowed:</i>	RR – Large lot single-family residential and limited agriculture	<i>Uses Allowed:</i>	RR – Large lot single-family residential and limited agriculture
<i>Max Density Allowed:</i>	RR – 1 unit per 65,000 square feet	<i>Max Density Allowed:</i>	RR – 1 unit per 65,000 square feet

Property History

<i>Zoned:</i>	12/28/1976	<i>Platted:</i>	N/A	<i>Annexed:</i>	N/A
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Staff Analysis

Luella Dunn is requesting approval of a major subdivision final plat for Dunn Subdivision.

(continued)

The Planning and Zoning Commission at their meeting of November 20, 2019, tentatively approved the proposed subdivision.

Adjacent uses include existing rural residential to the north, across Oahe Bend Drive, and south, undeveloped RR – Residential zoned property to the east, and the Missouri River to the west.

Approval of the proposed subdivision would allow for the creation of two rural residential lots. The northern lot would be vacant and a single-family dwelling could be constructed on this lot. There is an existing single-family dwelling on the southern lot which will remain.

Sensitive Lands | Special Flood Hazard Area (SFHA)

The proposed plat is located within the Special Flood Hazard Area (SFHA), also known as the 100-year floodplain. FEMA is in the initial stages of updating the Flood Insurance Rate Map (FIRM) for the community. The proposed plat is in an area that is proposed to be updated for both the Missouri River and Apple Creek tributaries. The update may or may not affect the proposed plat.

Required Findings of Fact (relating to land use)

1. All technical requirements for approval of a final plat have been met;
2. The final plat generally conforms to the preliminary plat for the proposed subdivision that was tentatively approved by the Planning and Zoning Commission;
3. The proposed subdivision generally conforms to the 2014 Fringe Area Road Master Plan, as amended;
4. The City Engineer has conditionally approved the Post-Construction Stormwater Management Permit (PCSMP) with written concurrence from the County Engineer;
5. The provision of neighborhood parks and open space is not needed because the proposed

final plat is not an urban subdivision with residential zoning districts;

6. The City of Bismarck and/or other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the proposed subdivision at the time the property is developed;
7. The proposed subdivision is located within the Special Flood Hazard Area (SFHA), also known as the 100-year floodplain. However, the subdivision is proposed to be developed according to existing ordinance requirements pertaining to development in the floodplain and therefore, the proposed development would not adversely impact water quality and/or environmentally sensitive lands,
8. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance;
9. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
10. The proposed subdivision would not adversely affect the public health, safety and general welfare.

Staff Recommendation

Based on the above findings, staff recommends approval of the major subdivision final plat for Dunn Subdivision.

Attachments

1. Location Map
2. Aerial Map
3. Zoning and Plan Reference Map
4. Final Plat
5. Preliminary Plat

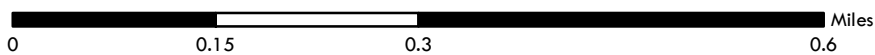
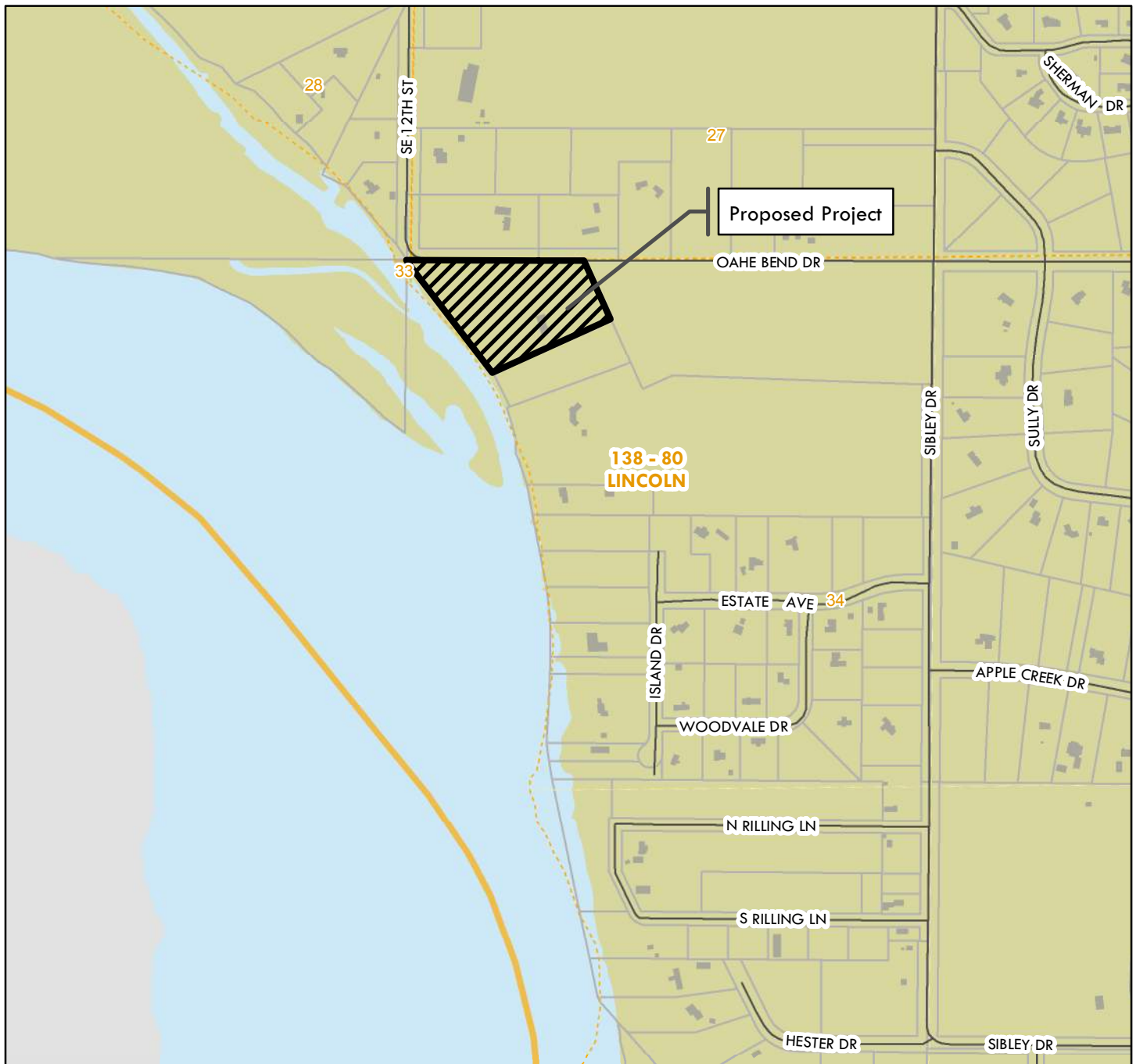
Staff report prepared by: Jenny Wollmuth, AICP, CFM, Planner
701-355-1845 | jwollmuth@bismarcknd.gov



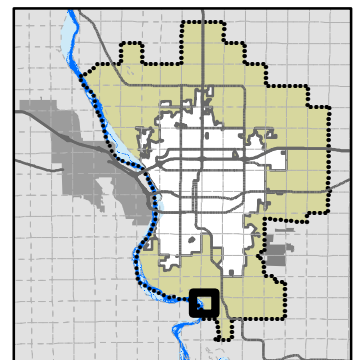
Location Map

Dunn Subdivision

PPLT2019-007
FPLT2020-001



Section, township, and
range indicated in orange



City of Bismarck
Community Development Department
Planning Division
October 21, 2019 (HLB)

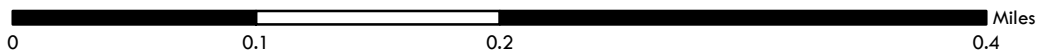
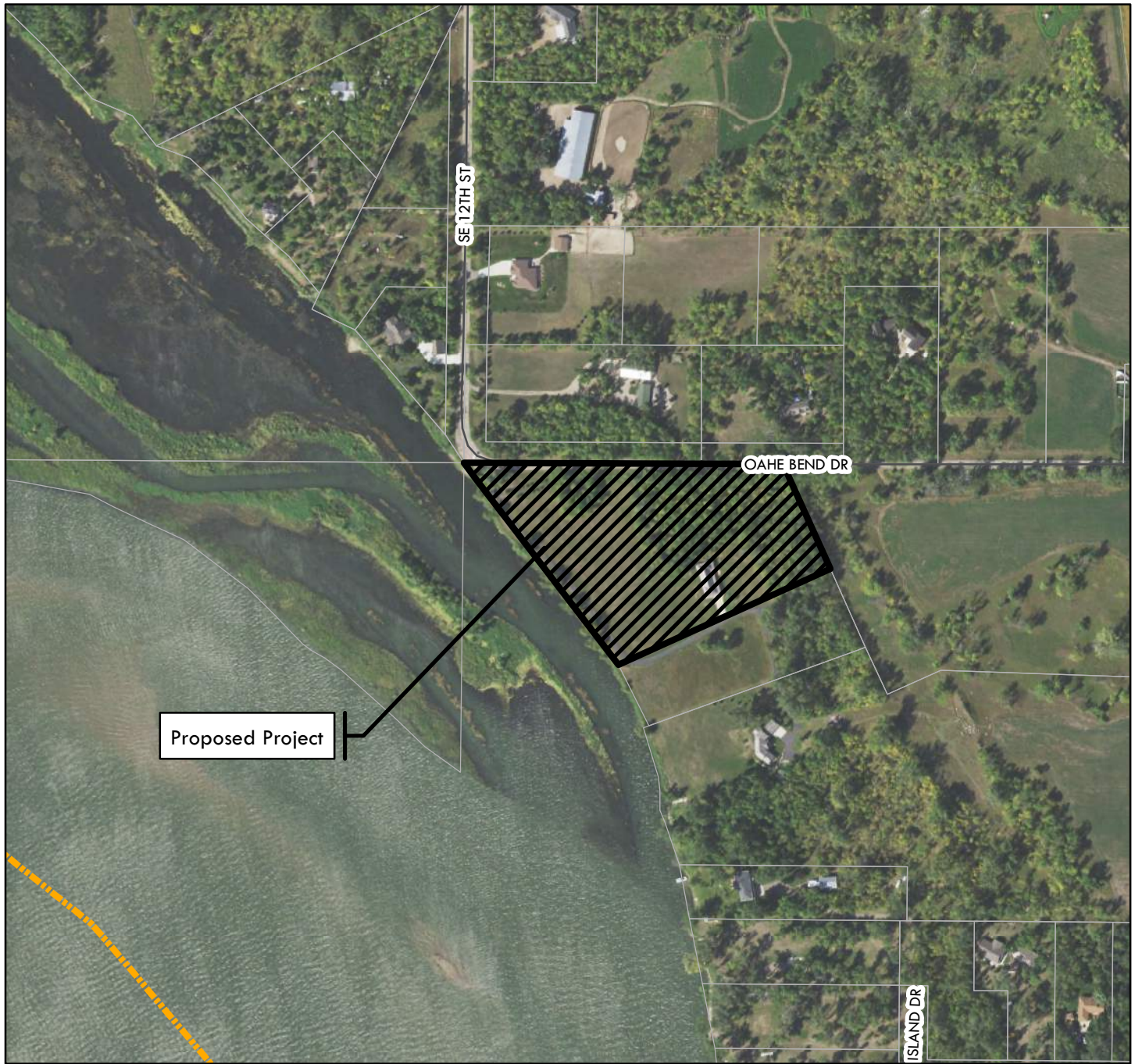
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Aerial Map

FPLT2020-001

Dunn Subdivision



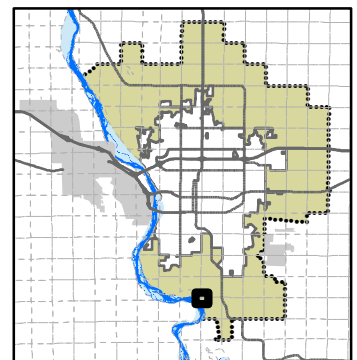
 City Limits  Bismarck ETA Jurisdiction

Aerial Imagery from 2018



City of Bismarck
Community Development Department
Planning Division
November 13, 2019

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Zoning and Plan Reference Map

Dunn Subdivision

FPLT2020-001

Project Area - No Change Proposed

Zoning or Plan Change Proposed

Zoning Districts

A	Agriculture
RR	Rural
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily (Offices)
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe

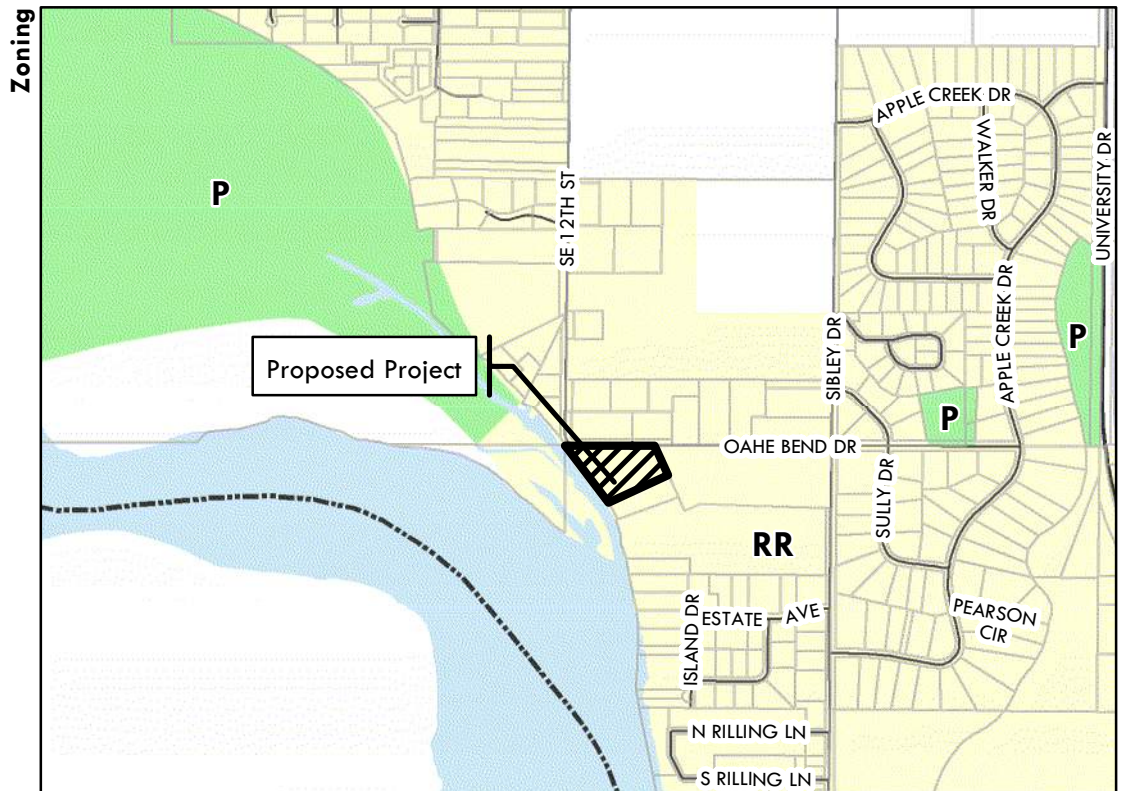
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O/MU	Office/Mixed Use
RR-C	Clustered Rural Residential
RR	Standard Rural Residential
UR	Urban Reserve

Fringe Area Road Master Plan

- Planned Arterial
- Planned Collector



0 0.275 0.55 1.1 Miles

City Limits

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City of Bismarck
Community Development Dept.
Planning Division
November 15, 2019

DUNN SUBDIVISION

BEING AUDITOR'S LOT A
OF THE NW 1/4 OF SECTION 34, TOWNSHIP 138 NORTH, RANGE 80 WEST
BURLEIGH COUNTY, NORTH DAKOTA

DESCRIPTION

BEING AUDITOR'S LOT A OF THE NW 1/4 OF SECTION 34, TOWNSHIP 138 NORTH, RANGE 80 WEST, BURLEIGH COUNTY, NORTH DAKOTA, DESCRIBED AS FOLLOWS:
BEGINNING AT THE NORTHWEST CORNER OF SAID SECTION 34; THENCE SOUTH 89 DEGREES 49 MINUTES 48 SECONDS EAST, ALONG THE NORTH LINE OF SAID SECTION 34, A DISTANCE OF 388.44 FEET TO THE WEST LINE OF TRACT 2 OF SAID SECTION 34; THENCE SOUTH 24 DEGREES 22 MINUTES 27 SECONDS EAST, ALONG SAID WEST LINE, A DISTANCE OF 322.08 FEET; THENCE SOUTH 45 DEGREES 38 MINUTES 59 SECONDS WEST, A DISTANCE OF 446.80 FEET TO A SURVEY LINE ALONG THE EAST BANK OF THE MISSOURI RIVER; THENCE NORTH 37 DEGREES 30 MINUTES 18 SECONDS WEST, ALONG SAID SURVEY LINE, A DISTANCE OF 708.87 FEET TO THE POINT OF BEGINNING.
THE ABOVE DESCRIBED TRACT CONTAINS 8.45 ACRES, MORE OR LESS.

SURVEYOR'S CERTIFICATE

I, TERRY BALZER, HEREBY CERTIFY I AM A LICENSED LAND SURVEYOR IN THE STATE OF NORTH DAKOTA, THAT THIS SURVEY WAS MADE BY ME OR UNDER MY DIRECTION, AND THAT THE SURVEY IS TRUE AND COMPLETE AS SHOWN, THAT ALL MONUMENTS, AND MARKS SET, TOGETHER WITH THOSE FOUND, ARE OF THE CHARACTER AND OCCUPY THE POSITIONS SHOWN THEREON, AND ARE SUFFICIENT TO ENABLE THIS SURVEY TO BE RETRACED.

STATE OF NORTH DAKOTA) SWENSON, HAGEN & CO. P.C.
COUNTY OF BURLEIGH) 909 BASIN AVENUE
SS BISMARCK, NORTH DAKOTA
58504 TERRY BALZER
REGISTERED LAND SURVEYOR
N.D. REGISTRATION NO. 3595

APPROVAL OF CITY PLANNING AND ZONING COMMISSION

THE SUBDIVISION OF LAND AS SHOWN ON THIS PLAT HAS BEEN APPROVED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF BISMARCK, NORTH DAKOTA, ON THE ____ DAY OF ____ 2020, IN ACCORDANCE WITH THE LAWS OF THE STATE OF NORTH DAKOTA AND ORDINANCES OF THE CITY OF BISMARCK.

MICHAEL J. SCHWARTZ - CHAIRMAN ATTEST
BEN EHRETH - SECRETARY

APPROVAL OF BOARD OF CITY COMMISSIONERS

THE BOARD OF CITY COMMISSIONERS OF THE CITY OF BISMARCK, NORTH DAKOTA, HAS APPROVED THE SUBDIVISION OF LAND AS SHOWN ON THIS PLAT, HAS APPROVED THE GROUNDS AS SHOWN ON THE PLAT AS AN AMENDMENT OF THE MASTER PLAN OF THE CITY OF BISMARCK, NORTH DAKOTA, HAS ACCEPTED THE REDEDICATION OF ALL RIGHTS OF WAY AND PUBLIC EASEMENTS SHOWN THEREON, AND DOES HEREBY VACATE ANY PREVIOUS PLATTING WITHIN THE BOUNDARY OF THIS PLAT.

THE FOREGOING ACTION OF THE BOARD OF CITY COMMISSIONERS OF BISMARCK, NORTH DAKOTA, WAS APPROVED THE ____ DAY OF ____ 2020.

ATTEST
KEITH J. HUNKE - CITY ADMINISTRATOR

APPROVAL OF BOARD OF COUNTY COMMISSIONERS

THE BOARD OF COUNTY COMMISSIONERS OF BURLEIGH COUNTY, NORTH DAKOTA, HAS ACCEPTED THE DEDICATION OF ALL STREETS SHOWN THEREON, HAS APPROVED THE GROUNDS AS SHOWN ON THE PLAT AS AN AMENDMENT TO THE MASTER PLAN OF BURLEIGH COUNTY, NORTH DAKOTA, AND DOES HEREBY VACATE ANY PREVIOUS PLATTING WITHIN THE BOUNDARY OF THE PLAT.
THE FOREGOING ACTION OF THE BOARD OF COUNTY COMMISSIONERS OF BURLEIGH COUNTY, NORTH DAKOTA, WAS TAKEN BY RESOLUTION APPROVED THE ____ DAY OF ____ 201__.

BRIAN BITNER-CHAIRMAN ATTEST: KEVIN GLATT
BURLEIGH COUNTY AUDITOR/TREASURER

APPROVAL OF CITY ENGINEER

I, GABRIEL J. SCHELL, CITY ENGINEER OF THE CITY OF BISMARCK, NORTH DAKOTA, HEREBY APPROVE "DUNN SUBDIVISION", BISMARCK, NORTH DAKOTA AS SHOWN ON THE ANNEXED PLAT.

GABRIEL J. SCHELL
CITY ENGINEER

OWNER'S CERTIFICATE & DEDICATION

I, LUELLA DUNN, BEING ALL THE OWNER OF THE LANDS PLATTED HEREIN, DO HEREBY VOLUNTARILY CONSENT TO THE EXECUTION OF THIS PLAT TITLED "DUNN SUBDIVISION", AND DEDICATE AND REDEDICATE ALL RIGHTS OF WAY TO BURLEIGH COUNTY AS SHOWN ON THIS PLAT FOR PUBLIC USE, AND CONSENT TO ANY ACCESS CONTROL TO THE PROPERTY AS SHOWN.

I ALSO DEDICATE ALL EASEMENTS AS SHOWN ON THIS PLAT AS "UTILITY EASEMENTS" TO RUN WITH THE LAND FOR PUBLIC AND PRIVATE UTILITIES OR SERVICES ON, ACROSS, OR UNDER THOSE CERTAIN STRIPS OF LAND.

I ALSO DEDICATE ALL EASEMENTS AS SHOWN ON THIS PLAT AS "ACCESS EASEMENTS" TO RUN WITH THE LAND FOR USE BY ALL LAND-OWNING PARTIES, THEIR TENANTS, VISITORS, AND LICENSEES, AND FOR THE USE OF ANY GOVERNMENTAL SUBDIVISION, ITS OFFICERS AND EMPLOYEES FOR EMERGENCY SERVICES AND ANY OTHER GOVERNMENTAL USE OF LANDS, PROVIDED THAT MAINTENANCE AND CLEARANCE OF THE EASEMENT IS THE RESPONSIBILITY OF THE LAND-OWNING PARTIES AND THE CITY SHALL NOT BE RESPONSIBLE IN ANY WAY TO FURNISH ANY CITY SERVICES IF SUCH ACCESS EASEMENTS ARE NOT PROPERLY MAINTAINED OR ARE OBSTRUCTED BY THE OWNERS OF THE PROPERTY IN THE SUBDIVISION.

I FURTHER GRANT ANY OTHER EASEMENTS OR SERVITUDES AS SHOWN AND THOSE THAT ARE RECORDED, BUT NOT SHOWN.

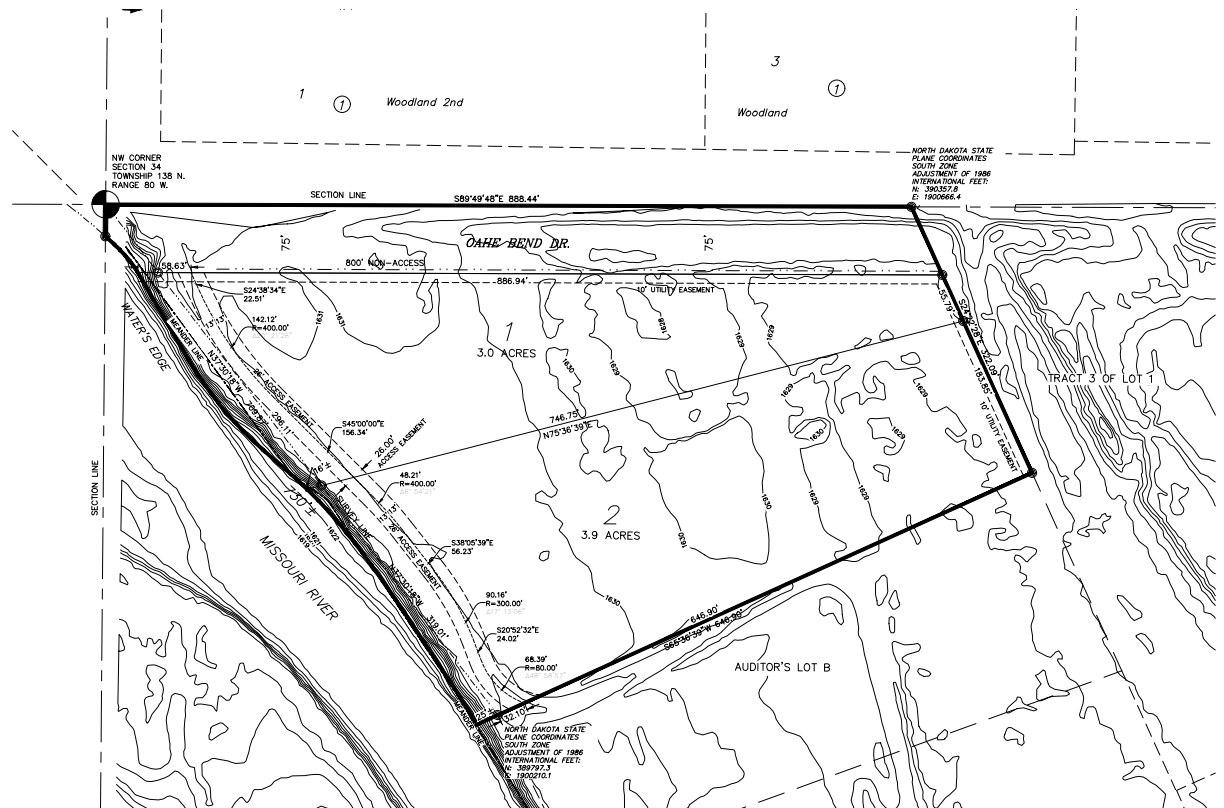
STATE OF NORTH DAKOTA) LUELLA DUNN
COUNTY OF BURLEIGH)
ON THIS ____ DAY OF ____ 2020, BEFORE ME PERSONALLY APPEARED LUELLA DUNN, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING CERTIFICATE AND SHE ACKNOWLEDGED TO ME THAT SHE EXECUTED THE SAME.

NOTARY PUBLIC
BURLEIGH COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES ____



SCALE: 1"=60'
FEBRUARY 18, 2020

MONUMENT IN PLACE



NOTES

BASIS OF BEARING:
NORTH DAKOTA STATE PLANE, SOUTH ZONE BY
CITY ORDINANCE

COORDINATE DATUM:
NORTH DAKOTA STATE PLANE COORDINATE
SYSTEM
NAD 83 SOUTH ZONE
ADJUSTMENT OF 1986
UNITS ARE INTERNATIONAL FEET

BEARINGS AND DISTANCES MAY VARY FROM
PREVIOUS PLATS DUE TO DIFFERENT METHODS
OF MEASUREMENTS.

FLOODPLAIN INFORMATION

FEMA FLOOD INSURANCE RATE MAP
COMMUNITY PANEL NUMBER 38015C0960D
DATED AUGUST 4, 2014
FLOOD PLAIN ELEVATION: 1633.6 (NAVD 88)

AREA DATA	
LOTS	300.763 S.F. 6.90 ACRES
SUBLOTS	746.1 S.F. 1.74 ACRES
TOTAL	307.863 S.F. 8.44 ACRES

NOTE:
THE WATER SERVICE AGREEMENT BETWEEN THE CITY OF BISMARCK AND SOUTH CENTRAL REGIONAL WATER DISTRICT WILL ALLOW THE PROVISION OF WATER SERVICE TO MORTON SUBDIVISION FOR A PERIOD OF ONE YEAR AND SUBSEQUENT TO THAT TIME, THE CITY MAY, UPON A ONE YEAR NOTICE, REQUIRE SOUTH CENTRAL REGIONAL WATER DISTRICT TO DISCONTINUE WATER SERVICE IF CITY WATER SERVICE IS AVAILABLE.



SWENSON, HAGEN & COMPANY P.C.
909 Basin Avenue
Bismarck, North Dakota 58104
sheng@swensonhagen.com
Phone (701) 221-2000
Fax (701) 221-2009
Surveying
Hydrology
Land Planning
Civil Engineering
Landscape & Site Design
Construction Management

BEING AUDITOR'S LOT A
OF THE NE 1/4 OF SECTION 34, TOWNSHIP 138 NORTH, RANGE 80 WEST
BURLEIGH COUNTY, NORTH DAKOTA

8.4 ACRES
EXISTING ZONING: RR
2 LOTS

FLOODPLAIN INFORMATION
FEMA FLOOD INSURANCE RATE MAP
COMMUNITY PANEL NUMBER 38015C0960D
DATED AUGUST 4, 2014
FLOOD PLAIN ELEVATION: 1633.6 (NAVD 88)



VERTICAL DATUM: NAVD 88
OCTOBER 17, 2019





STAFF REPORT

City of Bismarck
Community Development Department
Planning Division

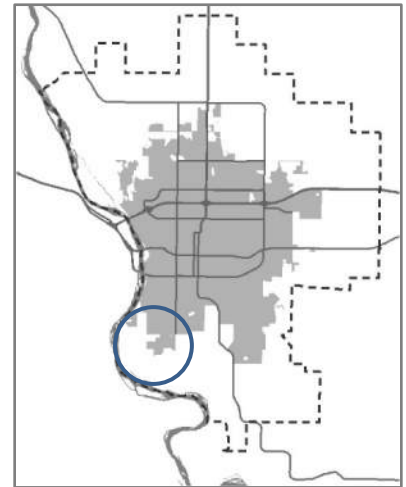
Agenda Item # 10
February 26, 2020

Application for: Minor Subdivision Final Plat

TRAKiT Project ID: MPLT2020-001

Project Summary

<i>Title:</i>	Southbay Fifth Addition First Replat
<i>Status:</i>	Planning & Zoning Commission – Public Hearing
<i>Owner(s):</i>	Southbay Development, LLC
<i>Project Contact:</i>	Landon Niemiller, Swenson, Hagen & Co.
<i>Location:</i>	In south Bismarck, east of England Street and west of Downing Street, at the intersection of West Glenwood Drive and Britannic Lane (Replat of Lots 16-21, Block 4, Southbay Fifth Addition and part of West Glenwood Drive right-of-way)
<i>Project Size:</i>	2.44 acres
<i>Request:</i>	Replat 6 lots into 10 lots for the development of single-family residences



Site Information

Existing Conditions

<i>Number of Lots:</i>	6 lots in 1 block
<i>Land Use:</i>	Developing Single-Family Residential
<i>Designated GMP Future Land Use:</i>	Already zoned. Not in Future Land Use Plan
<i>Zoning:</i>	R5 – Residential
<i>Uses Allowed:</i>	R5 – Single-family residential
<i>Max Density Allowed:</i>	R5 – 5 units / acre

Proposed Conditions

<i>Number of Lots:</i>	10 lots in 1 block
<i>Land Use:</i>	Single-Family Residential
<i>Designated GMP Future Land Use:</i>	Already zoned. Not in Future Land Use Plan
<i>Zoning:</i>	R5 – Residential
<i>Uses Allowed:</i>	R5 – Single-family residential
<i>Max Density Allowed:</i>	R5 – 5 units / acre

Property History

<i>Zoned:</i>	7/2014	<i>Platted:</i>	7/2014	<i>Annexed:</i>	7/2014
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Staff Analysis

Southbay Development, LLC is requesting approval of a minor subdivision final plat named Southbay Fifth Addition First Replat.

Adjacent uses include developing single-family residential to the north and east, rural residential uses to the south, and existing agricultural uses to the west.

(continued)

The proposed plat is located in an area zoned R5 – Residential and platted in 2014. Since this time, the developer has evaluated development for this area and is now requesting to add four additional lots. The addition of four lots would still be below the maximum density allowed by zoning.

A private street with a cul-de-sac named Nemitz Court has been proposed for this plat to serve all of the proposed lots. This private street would measure 20 feet in width in some areas and 25 feet in width at bulb of the cul-de-sac. This private street would meet the requirements of the most recent version of the International Fire Code (IFC). The applicant has provided a written justification for the use of a private street with a cul-de-sac. Staff supports the request with the condition that on-street parking be restricted for this private street on both sides of the street in accordance with requirements of the IFC with signs posted that read “Fire Lane”.

A previously dedicated access, sanitary sewer and watermain easement was recorded on October 1, 2019; the alignment of the proposed private drive, and access, sanitary sewer, watermain and utility easements on the proposed minor plat, do not directly match what was previously dedicated. Prior to forwarding to City Commission, an easement release will need to be requested for approval in tandem with the City Commission’s final action on the proposed minor plat.

The City will require that the developer enter into an agreement regarding the private street and private utilities. The agreement will detail the responsibilities of all parties, current and future. This agreement must be completed prior to final acceptance of the plat by the City Commission, approved by the City Commission and will be recorded with the plat.

Several lots located on the southern portion of the proposed plat do not meet the minimum front lot width. Section 14-04-03(5) of the City Code of Ordinances states:

Lot width. Each lot shall have a front property line width of not less than forty (40) feet, and in addition, shall have a width of not less than sixty (60) feet, measured along a line approximately

parallel to and forty (40) feet back from the front property line.

The applicant has provided a waiver request to reduce the lot width requirement noting there would be sufficient width for driveways and sufficient room for the development of single-family homes on the proposed lots. A copy of the draft site plan for the entire subdivision is attached. Based on the justification provided by the applicant staff supports this waiver request.

Utility Capital Charges

The creation of any new lots in the City of Bismarck is subject to development capital charges for municipal utilities. The Public Works Department – Utility Operation Division has determined that utility capital charges will be due prior to the recordation of the proposed plat.

Required Findings of Fact (relating to land use)

1. All technical requirements for approval of a minor subdivision final plat have been met;
2. The City Engineer has conditionally approved the Post-Construction Stormwater Management Permit (PCSMP)
3. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance;
4. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
5. The proposed subdivision would not adversely affect the public health, safety and general welfare.

Staff Recommendation

Based on the above findings, staff recommends approval of the minor subdivision final plat for Southbay Fifth Addition First Replat, including the waiver requests for the use of private streets/cul-de-sac and reduced lot widths with the understanding that the plat will not be forwarded to the City Commission for final action until the following conditions are met:

(continued)

1. An easement release for the previously dedicated access, sanitary sewer and watermain easement is provided.
2. An agreement for the private street and private utilities is provided to be recorded with the plat.
2. Aerial Map
3. Zoning and Plan Reference Map
4. Final Plat
5. Original Plat with Replatted Area Highlighted
6. Draft Site Plan

Attachments

1. Location Map
-

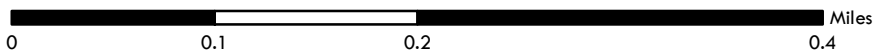
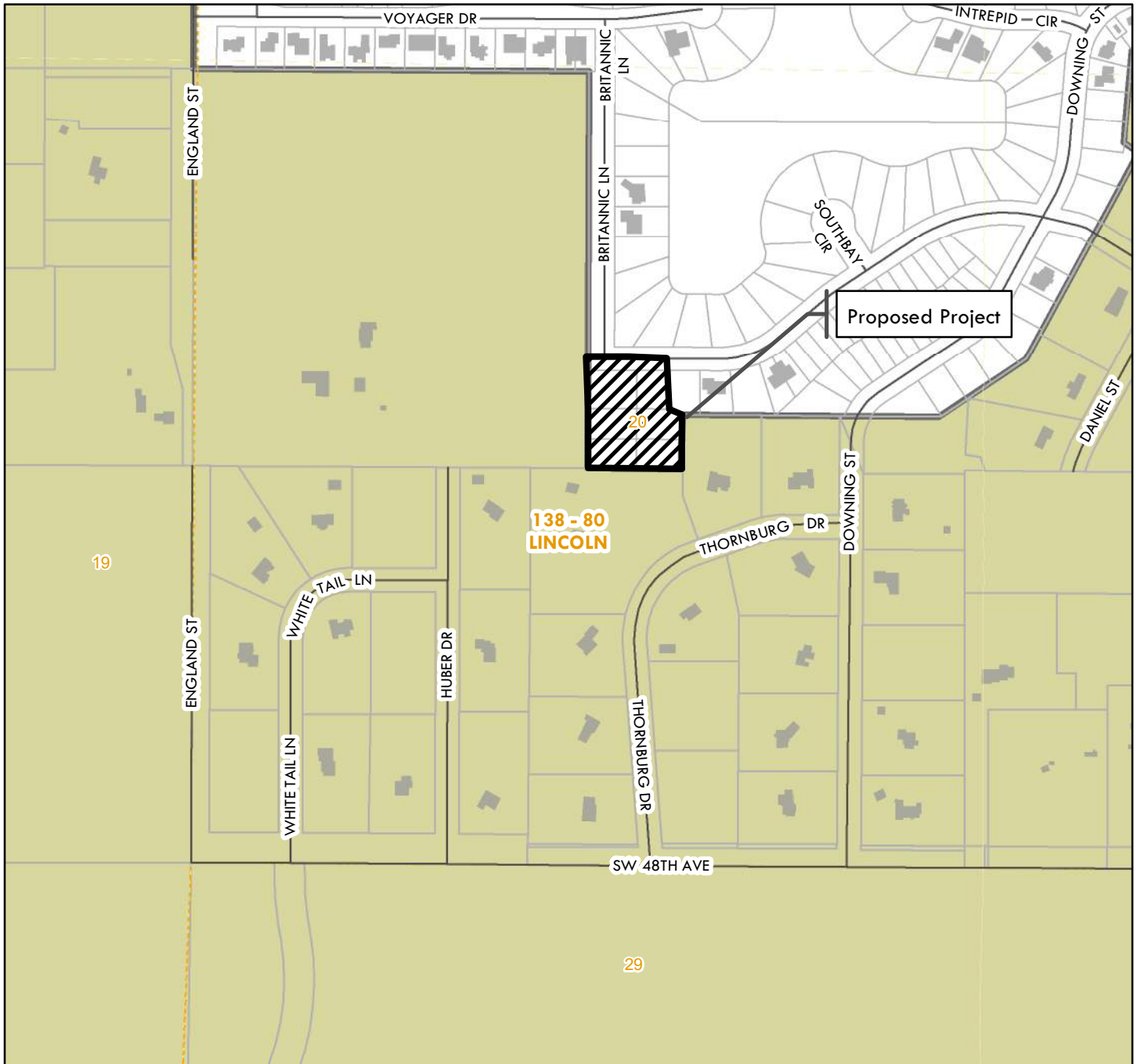
Staff report prepared by: Will Hutchings, Planner
701-355-1850 | whutchings@bismarcknd.gov



Location Map

Southbay Fifth Addition First Replat

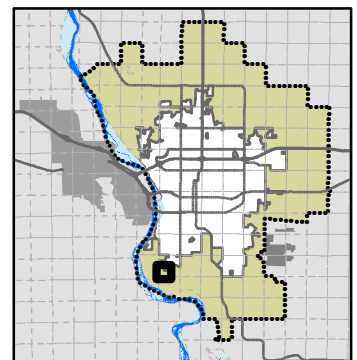
MPLT2020-001



Section, township, and range indicated in orange

City of Bismarck
Community Development Department
Planning Division
February 20, 2020 (HLB)

This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated herein.

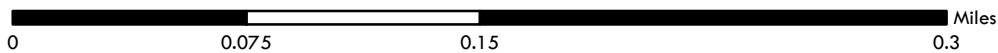




Aerial Map

Southbay Fifth Addition First Replat

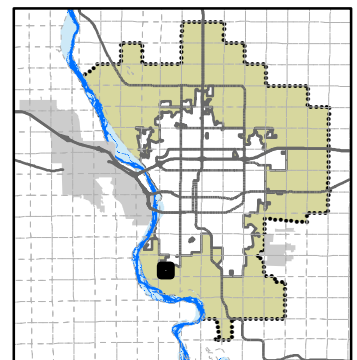
MPLT2020-001



Aerial Imagery from 2018

City of Bismarck
Community Development Department
Planning Division
February 20, 2020

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Zoning and Plan Reference Map

Southbay Fifth Addition First Replat

MPLT2020-001

 Project Area - No Change Proposed

 Zoning or Plan Change Proposed

Zoning Districts

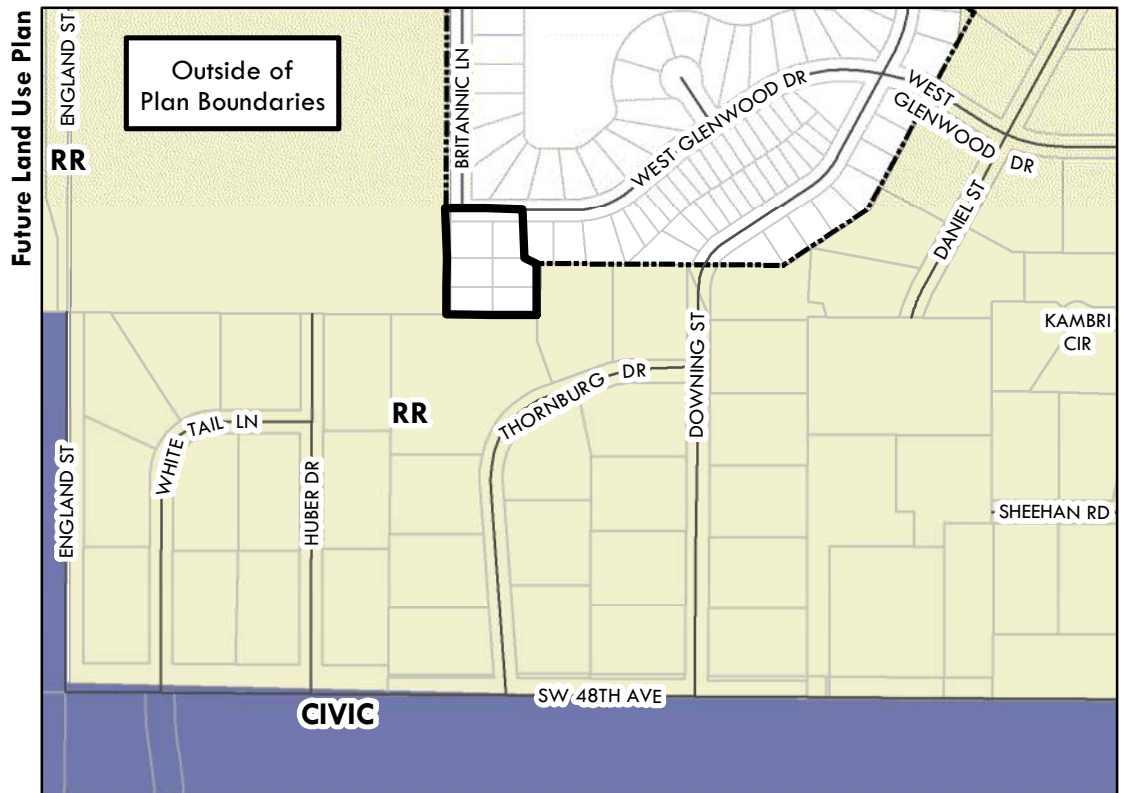
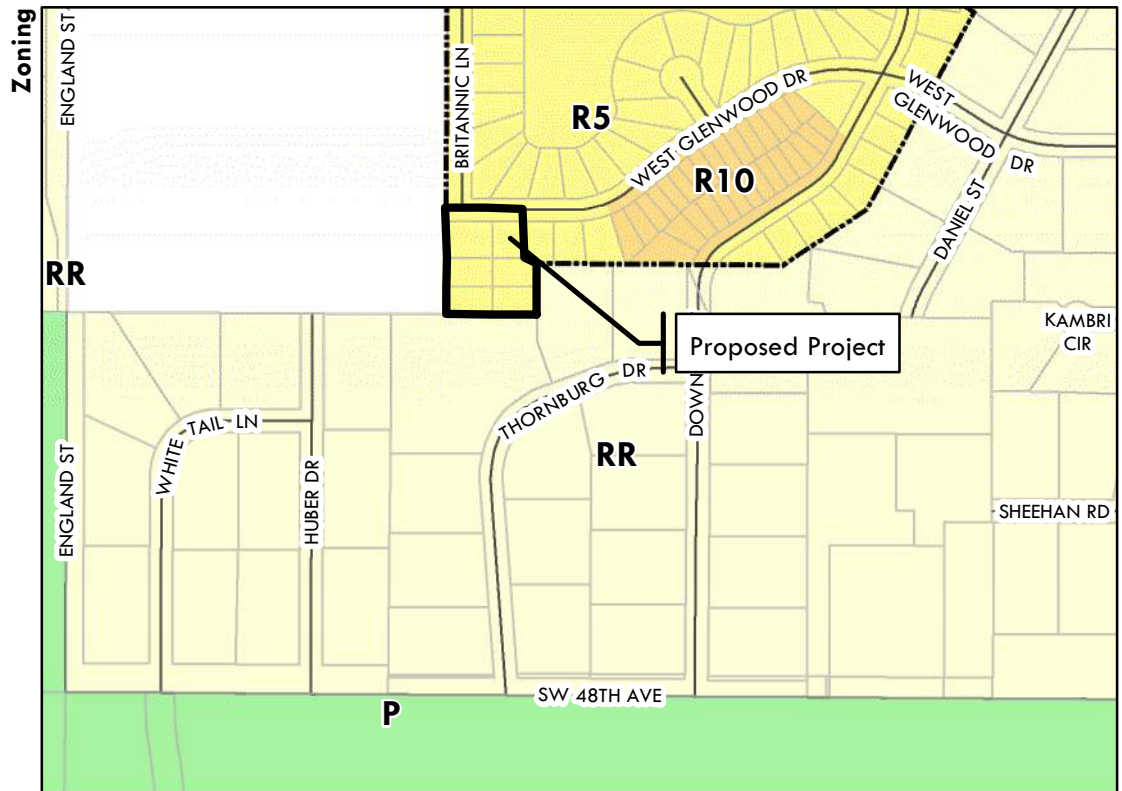
A	Agriculture
RR	Rural
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe

Diagonal lines indicate special condition

Future Land Use Plan

CONSRV	Conservation
BP	Business Park
C	Commercial
C/MU	Commercial/Mixed Use
CIVIC	Civic
HDR	High Density Residential
I	Industrial
LDR	Low Density Residential
MDR	Medium Density Residential
MDR-/MU	Medium Density Residential/Mixed Use
O/MU	Office/Mixed Use
RR-C	Clustered Rural Residential
RR	Standard Rural Residential
UR	Urban Reserve

Fringe Area Road Master Plan



0 0.1 0.2 0.4 Miles

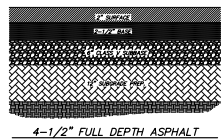
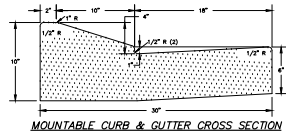
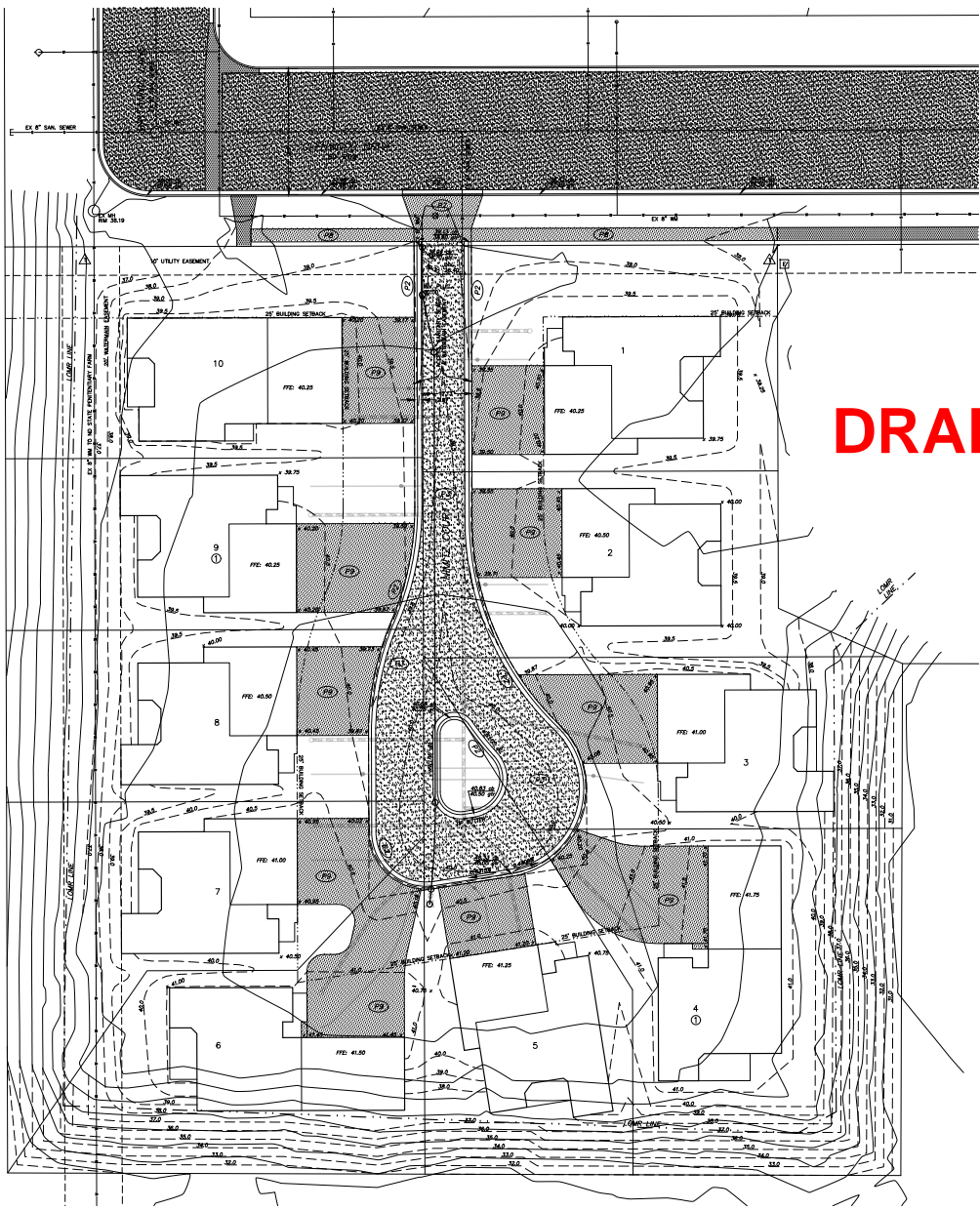
 City Limits

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City of Bismarck
Community Development Dept.
Planning Division
February 20, 2020

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LEGEND

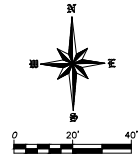
- EXISTING SANITARY SEWER
- EXISTING WATERMAIN
- EXISTING UTILITY RISER-VAULT
- EXISTING VALVE
- EXISTING FIRE HYDRANT
- EXISTING CONCRETE
- EXISTING GRADE
- PROPOSED SANITARY SEWER
- PROPOSED WATERMAIN
- PROPOSED VALVE
- PROPOSED FIRE HYDRANT
- PROPOSED CONCRETE
- PROPOSED ASPHALT
- PROPOSED CONTOUR
- PROPOSED GRADE

PAVEMENT

1. (P) 10\"/>

GRADING

1. PLACE AND MAINTAIN EROSION CONTROL MEASURES WHERE REQUIRED BY THE CITY OF BISMARCK. CONSTRUCT EARTHEN BERMES AROUND ALL TOPSOIL PILES. WATER AS REQUIRED TO CONTROL DUST. WATER FOR DUST CONTROL SHALL BE PAID FOR AT THE UNIT PRICE BID FOR "WATER".
2. STRIP TOPSOIL AS REQUIRED AND STOCKPILE ON SITE. REPLACE 2" (UNLESS SPECIFIED OTHERWISE) OF TOPSOIL IN ALL AREAS OUTSIDE OF THE RIGHT-OF-WAY AT THE COMPLETION OF THE GRADING.
3. PERFORM CUTTING AND FILLING TO 2" (UNLESS SPECIFIED OTHERWISE) BELOW THE PROPOSED CONTOURS THAT ARE SHOWN TO ALLOW FOR BLACK DIRT REPLACEMENT. THE CONTOURS SHOWN ARE TO FINISHED GRADE.
4. THE GRADING CONTRACTOR SHALL BE RESPONSIBLE FOR PREPARING THE RIGHT-OF-WAY SECTION FOR THE WATER AND SEWER CONTRACTOR. THE CONTRACTOR SHALL MAINTAIN THE SUBGRADE PROFILE TO THE PROPOSED BACK OF CURB. THIS GRADING SHALL BE WITHIN 0.1 FEET OF SUBGRADE. THE GRADING CONTRACTOR SHALL BE RESPONSIBLE FOR GRADING THE RIGHT-OF-WAY TO THE PROPOSED SUBGRADE ELEVATION.
5. LOCATE AND PROTECT ALL EXISTING UTILITIES.
6. AREAS TO BE FILLED WITHIN THE RIGHT OF WAYS SHALL BE COMPACTED TO 90% OF MAXIMUM DRY DENSITY AS DETERMINED BY ASTM D1557 WITH MOISTURE WITHIN PLUS OR MINUS .3% OF OPTIMUM MOISTURE CONTENT.
7. AREAS TO BE FILLED WITHIN THE "BUILDING ZONE", OR 100 FEET BEHIND THE RIGHT OF WAYS OR ACCESS EASEMENTS SHALL BE COMPACTED TO 90% OF MAXIMUM DRY DENSITY AS DETERMINED BY ASTM D1557 WITH MOISTURE WITHIN PLUS OR MINUS .3% OF OPTIMUM MOISTURE CONTENT.
8. ALL OTHER AREAS TO BE FILLED SHALL BE COMPACTED TO 90% OF MAXIMUM DRY DENSITY AS DETERMINED BY ASTM D1557 WITH MOISTURE WITHIN PLUS OR MINUS .3% OF OPTIMUM MOISTURE CONTENT.
9. CLEAR AND GRUB THE SITE AS NEEDED TO CONSTRUCT THE IMPROVEMENTS. EXISTING VEGETATION IS SHOWN IN AN APPROXIMATE WAY ONLY.
10. LOCATE STOCKPILES ON SITE.
11. THE CONTRACTOR SHALL ONLY ALLOW ACCESS ON AND OFF THE SITE THROUGH THE "STABILIZED CONSTRUCTION ACCESS". ALL OTHER ACCESS POINTS SHALL BE BARRICADED. THE ACCESS POINT SHALL BE CONSIDERED INCIDENTAL TO THE "EROSION CONTROL" BID ITEM.
12. THE CONTRACTOR SHALL PAY FOR CONSTRUCTION STAKING AND SURVEYING.
13. THE CONTRACTOR SHALL ADD WATER IF REQUIRED TO MEET MOISTURE REQUIREMENTS.
14. THE CONTRACTOR SHALL PAY FOR ALL TESTING, COPIES OF TEST RESULTS SHALL BE FORWARDED TO THE ENGINEER.
15. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL PROJECT SITE SAFETY.
16. ALL WORK SHALL BE PERFORMED IN A WORKMAN LIKE MANNER AND SHALL CONFORM TO THE MOST RECENT EDITION OF THE CITY OF BISMARCK CONSTRUCTION SPECIFICATIONS FOR MUNICIPAL PUBLIC WORKS IMPROVEMENTS AS MODIFIED BY THESE PLANS.
17. THE CONTRACTOR SHALL BE BONDED BY THE CITY OF BISMARCK FOR ALL CONSTRUCTION IN THE CITY RIGHT OF WAY. ANY NECESSARY TRAFFIC CONTROL SHALL BE APPROVED BY THE CITY OF BISMARCK ENGINEER.
18. THE CONTRACTOR SHALL PROVIDE AND MAINTAIN ALL NECESSARY SAFEGUARDS SUCH AS WARNING SIGNS, BARRICADES AND NIGHT LIGHTS AT HIS OWN EXPENSE.
19. PROTECT AREAS NOT TO BE DISTURBED AND ADJOINING PROPERTY.
20. THE OWNER AND CONTRACTOR WILL NEED TO JOINTLY SUBMIT A STORM WATER POLLUTION PREVENTION PLAN (SWPPP) AND A NOTICE OF INTENT TO THE NORTH DAKOTA DEPARTMENT OF HEALTH. THE CONTRACTOR WILL BE SOLELY RESPONSIBLE AND LIABLE FOR CONTROLLING ON SITE EROSION (PLAN OR WIND) SO AS NOT TO DISCHARGE ERODED MATERIAL ONTO ADJACENT PROPERTY OR DOWNSTREAM WITHOUT APPROVAL FROM THE OWNER AND THE ENGINEER. THE CONTRACTOR SHALL DOCUMENT INSPECTION REPORTS REQUIRED BY THE PERMIT. AT THE END OF THE PROJECT THE SWPPP WILL BE TRANSFERRED TO THE OWNER, BUT ONLY AFTER THE PROJECT IS COMPLETE, WITH EROSION CONTROL IN GOOD WORKING ORDER, AND AN INSPECTION OF THE EROSION CONTROL IS APPROVED BY THE OWNER/ENGINEER.
21. CONTRACTOR SHALL IMPORT AND PLACE FILL MATERIAL TO THE PROJECT SITE. FILL MATERIAL SHALL BE NON-FROST SUSCEPTIBLE MATERIAL AND SHALL BE COMPACTED IN 4" LIFTS. FREQUENCY OF DENSITY TESTS SHALL BE PERFORMED PER CITY OF BISMARCK CONSTRUCTION SPECIFICATIONS.
22. CONTRACTOR IS RESPONSIBLE FOR ALL COSTS ASSOCIATED WITH OBTAINING A 3D SURFACE MODEL, FOR GRADING PURPOSES.



PRELIMINARY-NOT FOR CONSTRUCTION,
RECORDING PURPOSES OR IMPLEMENTATION

CALL BEFORE YOU DIG
NORTH DAKOTA
UTILITIES UNDERGROUND LOCATION SERVICE
1-800-735-0555

DATE

REVISIONS

GRADING & PAVING PLAN

SOUTHBAY 5TH ADDITION FIRST REPLAT

BISMARCK, NORTH DAKOTA

SWENSON, HAGEN & COMPANY P.C.

500 Union Avenue
Bismarck, North Dakota 58501
Phone (701) 221-2600
Fax (701) 221-2601

SWH

Surveying
Engineering
Land Planning
Civil Engineering
Construction Management

DRAWN BY: CCL, CWW

CHECK BY: JLP

DATE: 8-13-19

PROJECT: COMPUTER FILE:

P:\Bismarck\Southbay
5th Addition\Replat\North
Site Plan 2018.dwg

SHEET

C4.0



STAFF REPORT

City of Bismarck
Community Development Department
Planning Division

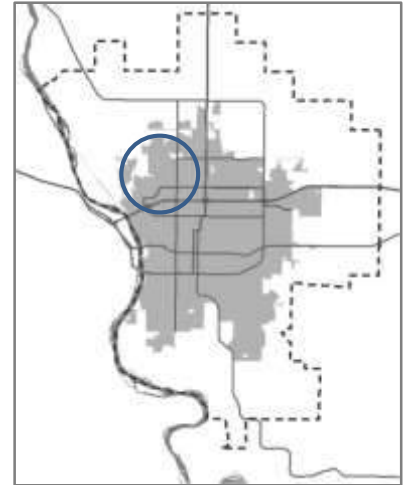
Agenda Item #11
February 26, 2020

Application for: Special Use Permit

TRAKiT Project ID: SUP2019-011

Project Summary

<i>Title:</i>	Lot 6 and the East 2 feet of Lot 7, Block 2, High Meadows Ninth Addition (436 Brunswick Drive)
<i>Status:</i>	Planning & Zoning Commission – Public Hearing
<i>Owner(s):</i>	Drew and Jannelle Combs
<i>Project Contact:</i>	Drew and Jannelle Combs
<i>Location:</i>	In northwest Bismarck, west of North Washington Street and south of Ash Coulee Drive on the northwest side of Brunswick Drive
<i>Project Size:</i>	664 square foot ADU on a 17,715 square foot lot
<i>Request:</i>	Construction an accessory dwelling unit within an addition to a single-family home.



Site Information

Existing Conditions

<i>Number of Lots:</i>	1 parcel
<i>Land Use:</i>	Single-family residential
<i>Designated GMP Future Land Use:</i>	Already zoned. Not in Future Land Use Plan
<i>Zoning:</i>	R5 – Residential
<i>Uses Allowed:</i>	R5 – Single-family residential
<i>Max Density Allowed:</i>	R5 – 5 units / acre

Proposed Conditions

<i>Number of Lots:</i>	1 parcel
<i>Land Use:</i>	Single-family residential with accessory dwelling unit
<i>Designated GMP Future Land Use:</i>	Already zoned. Not in Future Land Use Plan
<i>Zoning:</i>	R5 – Residential
<i>Uses Allowed:</i>	R5 – Single-family residential
<i>Max Density Allowed:</i>	R5 – 5 units / acre

Property History

<i>Zoned:</i>	07/1997	<i>Platted:</i>	07/1997	<i>Annexed:</i>	07/1997
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Staff Analysis

Drew and Jannelle Combs are requesting approval of a special use permit to allow an accessory dwelling unit as an addition to the single-family dwelling on Lot 6 and the East 2 feet of Lot 7, Block 2, High Meadows Ninth Addition.

Adjacent uses include single-family residential in all directions.

The following criteria from Section 14-03-08(y) of the City Code of Ordinances (Special uses/Accessory Dwelling Units) apply:

1. *"No more than one accessory dwelling unit may be permitted on each lot or parcel."*
Approval of only one unit is being requested.
2. *"An accessory dwelling unit must be contained completely within the principal structure on the lot or parcel, or contained within an accessory structure that meets all requirements of this Code, including size and setback requirements of the underlying zoning district. However, the height of any accessory dwelling unit may be up to twenty (20) feet or the height of the principal structure on the lot, whichever is less."*
The accessory dwelling unit will be contained within the principal structure on the lot, and it will be constructed as an addition to the house.
3. *"The principal or accessory dwelling unit must be occupied by the owner of the subject parcel as a legal residence for more than six (6) months of any given year. The home may not be owned by a corporation, but the owner-occupant may be a benefited person in a private trust or life estate. The owner-occupancy requirement applies to the applicant as well as all subsequent owners of the property."*
The applicant intends to continue use of this property as an owner-occupied dwelling.
4. *"At least one off-street parking space shall be provided for an accessory dwelling, in addition to any parking required for the principal dwelling unit on the lot."*

The existing residence has a 3-stall garage and the ordinance allows three additional spaces to be counted in front of the garage stalls. Sufficient parking exists on the site for the single family home together with the accessory dwelling unit.

5. *"No accessory dwelling unit may include more than one (1) bedroom."*

The proposed unit includes one bedroom.

6. *"Units within Accessory Structure: The floor area of an accessory dwelling unit may not be greater than 800 square feet or less than 300 square feet on any lot or parcel five (5) acres in area or less."*

The proposed accessory dwelling unit is 664 square feet, measured as the perimeter of the interior walls of the dwelling unit, which is within the allowable size range.

7. *"An accessory dwelling unit must be connected to public utilities if available on the lot or parcel. If the lot is serviced by an on-site sewage treatment facility, the applicant must show that sufficient sewage treatment capacity will be available to meet anticipated needs."*

As an interior accessory dwelling unit, it will be connected to all utilities that serve the principal dwelling.

The addition will require a building permit. Setbacks and other dimensional requirements related to this addition will be addressed during review of the building permit.

Required Findings of Fact (relating to land use)

1. The proposed special use complies with all applicable provisions of the zoning ordinance and is consistent with the general intent and purpose of the zoning ordinance;
2. The proposed special use is compatible with adjacent land uses and zoning;
3. The proposed special use would be designed, constructed, operated and maintained in a

(continued)

manner that is compatible with the appearance of the existing or intended character of the surrounding area;

4. Adequate public facilities and services are in place or would be provided at the time of development;
5. The proposed special use would not cause a negative cumulative effect, when considered in conjunction with other uses in the immediate vicinity;
6. Adequate measures have been or would be taken to minimize traffic congestion in the public streets and to provide for appropriate on-site circulation of traffic;
7. The proposed special use is consistent with the master plan, other adopted plans, policies and accepted planning practice; and

8. The proposed special use would not adversely affect the public health, safety and general welfare.

Staff Recommendation

Based on the above findings, staff recommends approval of the special use permit to allow an accessory dwelling unit as an addition to the single-family dwelling on Lot 6 and the East 2 feet of Lot 7, Block 2, High Meadows Ninth Addition.

Attachments

1. Location Map
2. Aerial Map/Site Plan
3. Zoning and Plan Reference Map

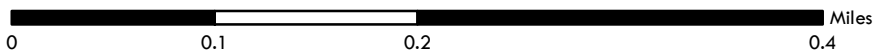
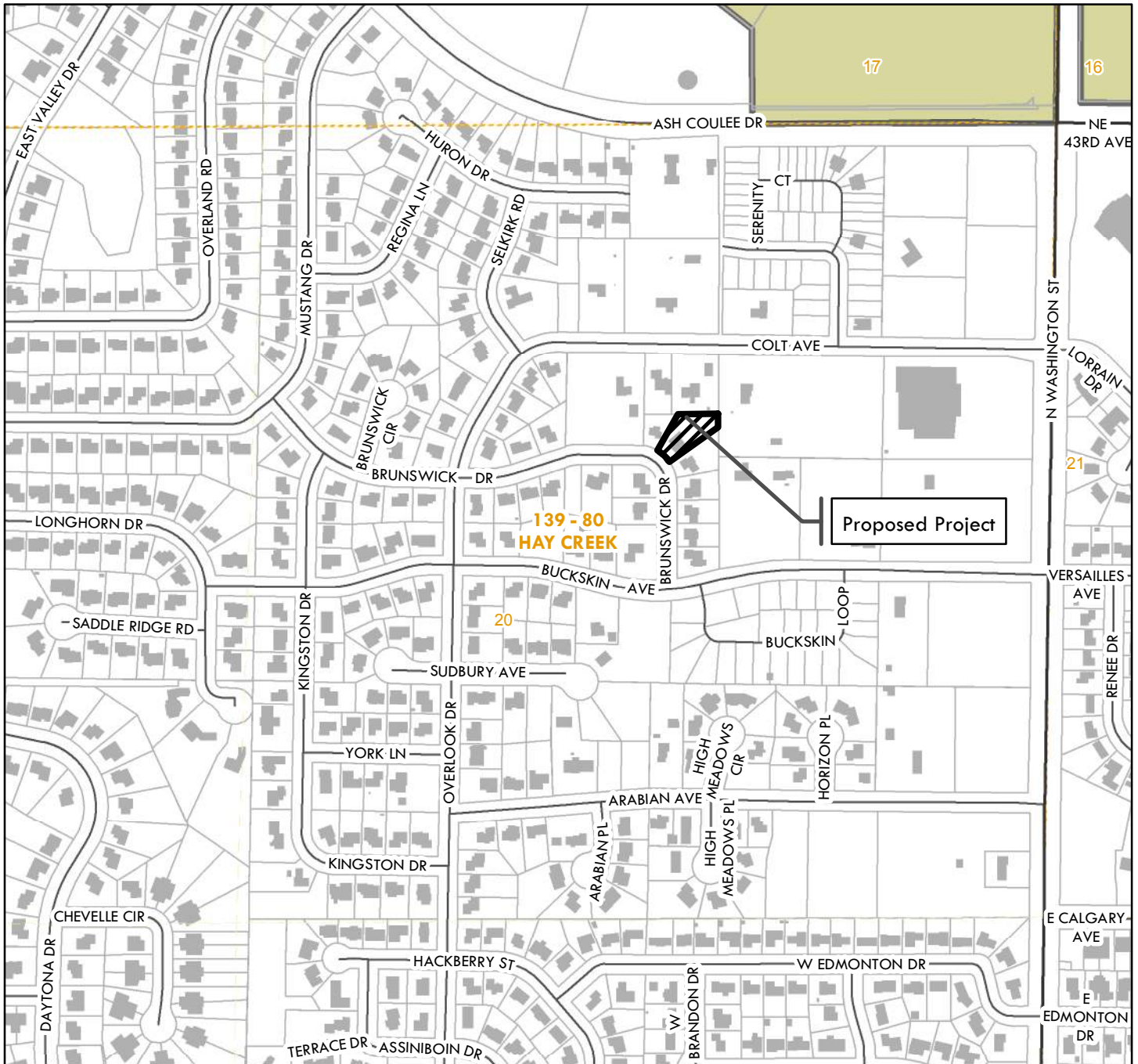
Staff report prepared by: Daniel Nairn, AICP, Planner
701-355-1854 | dnairn@bismarcknd.gov



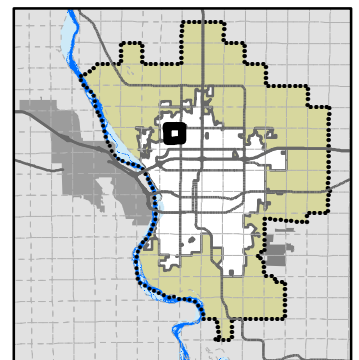
Location Map

SUP2019-011

Lot 6 and the East 2 feet of Lot 7, Block 2, High Meadows 9th Addition



Section, township, and range indicated in orange



City of Bismarck
Community Development Department
Planning Division
August 26, 2019 (HLB)

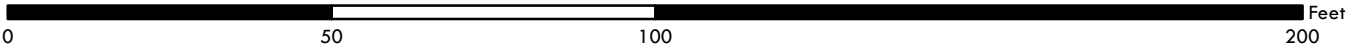
This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.



Aerial Map of Proposed Addition with ADU

SUP2019-011

Lot 6 and the East 2 feet of Lot 7, Block 2, High Meadows 9th Addition



City of Bismarck
Community Development Department
Planning Division
February 12, 2020

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Aerial Imagery from 2016



Zoning and Plan Reference Map

SUP2019-011

Lot 6 and the East 2 feet of Lot 7, Block 2, High Meadows 9th Addition

- Project Area - No Change Proposed
- Zoning or Plan Change Proposed

Zoning Districts

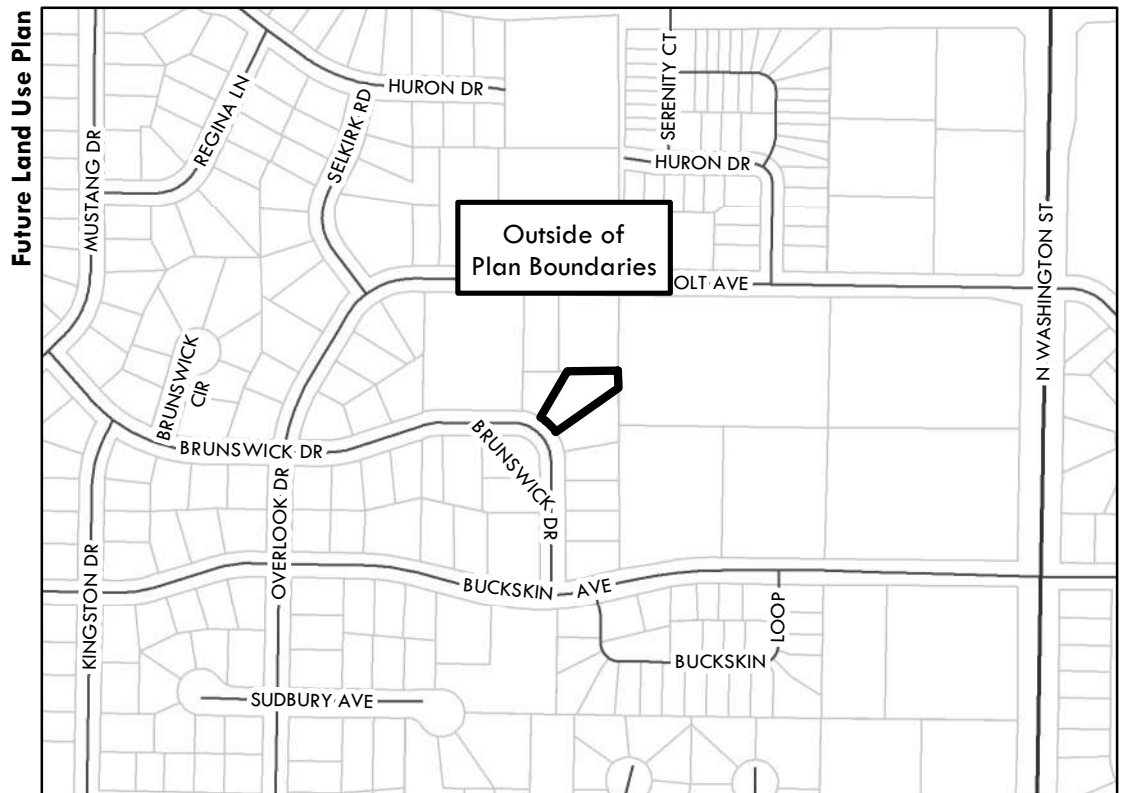
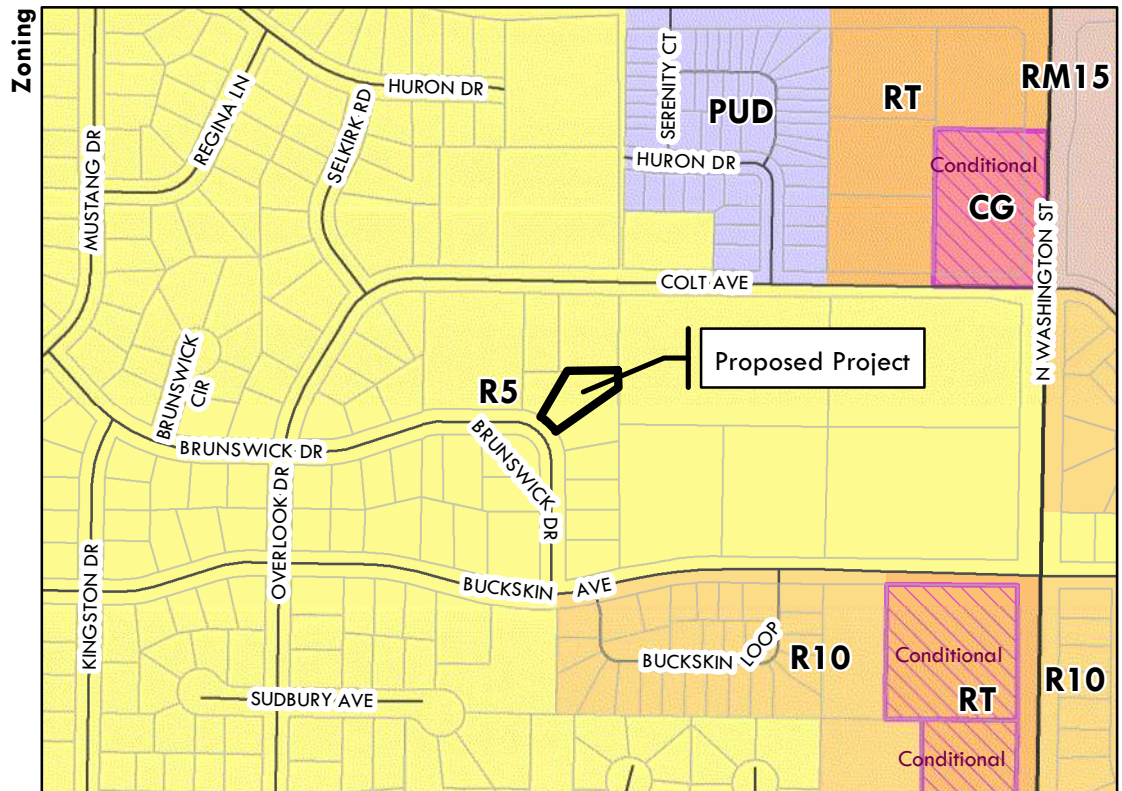
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CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe

Diagonal lines indicate special condition

Future Land Use Plan

CONSRV	Conservation
BP	Business Park
C	Commercial
C/MU	Commercial/Mixed Use
CIVIC	Civic
HDR	High Density Residential
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MDR-/MU	Medium Density Residential/Mixed Use
O/MU	Office/Mixed Use
RR-C	Clustered Rural Residential
RR	Standard Rural Residential
UR	Urban Reserve

Fringe Area Road Master Plan



0 0.075 0.15 0.3 Miles



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City of Bismarck
Community Development Dept.
Planning Division
February 4, 2020



STAFF REPORT

City of Bismarck
Community Development Department
Planning Division

Agenda Item # 12

February 26, 2020

Application for: Zoning Ordinance Text Amendment

TRAKiT Project ID: ZOTA2019-004

Project Summary

Title:	Amendments to Sign Ordinance
Status:	Planning & Zoning Commission – Public Hearing (continued)
Project Contact:	Daniel Nairn, AICP, Planner
Sections Amended:	Chapter 4-04 – Signs and Outdoor Display Structures and various sections of Title 14.
Request:	Adopt a new chapter of the zoning ordinance pertaining to the regulation of signs

Staff Analysis

Community Development Department – Planning Division staff is initiating a zoning ordinance text amendment to add a new chapter to Title 14 (Zoning) of the City Code of Ordinances pertaining to the regulation of signs.

The Planning and Zoning Commission held a public hearing on September 25, 2019, and, upon hearing testimony from the public and a report from staff, continued the public hearing until November 20, 2019. At that meeting, the continued public hearing was continued again until February 26, 2020.

The draft ordinance is presented with changes shown in strike-out and underline format between the current draft and the draft presented during the November 2019 public hearing. Additionally, a change matrix is provided to identify major changes between this draft and the ordinances currently in place.

The purpose of the zoning ordinance text amendment is to:

1. Assemble provisions related to signs into one chapter for simplicity;
2. Add basic standards and process requirements;
3. Align Bismarck's sign ordinance with current best practices in peer communities and industry standards; and

4. Comply with federal case law and constitutional free speech requirements.

Why Regulate Signs?

Regulation of signs, in general, has been commonplace throughout the United States for many years, and understanding the basic reasons for government involvement should inform the content of any regulation. Most signs are placed on private property, but have obvious visual impacts on the public right-of-way and adjoining properties.

Two primary reasons are as follows:

- Protect public safety by preventing or mitigating traffic hazards through obstruction of view, distraction of roadway users, and all other negative effects on public travel.
- Reduce the visual impact along public rights-of-way to improve the legibility of existing signs, including traffic control devices, and enhance the overall aesthetics of the community.

Additional purpose statements are included at the beginning of the ordinance, including facilitation of wayfinding, promotion of creative expression, and protection of property values.

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Conformance with Comprehensive Plan

All updates to the zoning ordinance are required to be made in conformance to an adopted comprehensive plan. In Bismarck, several plans of various types are considered in the aggregate to be the comprehensive plan. Staff takes direction from these plans in drafting of all ordinances.

The draft sign ordinance furthers the following plan objectives:

Growth Management Plan (2014):

- Goal #2 Land Use and Image, Objective: "Encourage and support development that enhances the City's image and identity."
- Goal #3 Transportation, Objective: "Create a positive image along high volume corridors that serve as gateways into the City."

Downtown Design Guidelines (2015)

- "Create a walkable, human-scaled environment."
- "Encourage property improvements, new development projects and the continued efforts to have a vibrant, lively, and attractive destination as the heart of the community."

Envision 2040: Bismarck Mandan LRTP (2015)

- "Reduce the incidence of all multi-modal crashes, with an emphasis on serious injury and fatal crashes and crash locations."

It should also be noted that this ordinance represents completion of an objective established in the original 1980 Comprehensive Policy Plan:

Objective 5.01 Commercial/Policy B1

"Consider applying a modified version of the sign control ordinance on a city-wide basis"

During the 1970s, the first sign ordinance was applied to the downtown area of Bismarck. Although ordinance revisions have been made related to specific types of signs in the intervening years, the City has yet to adopt a comprehensive sign code.

Responses to Public Hearing Comments

During the November public hearing, the Planning and Zoning Commission requested of staff a detailed response to each of the issues that were raised during the public comment period. This section will present each comment followed by recommended actions from staff and reasoning for this recommendation.

1. Would like the ability to place signs up to 28 square feet in size on garage doors of single-family homes.

Staff recommendation: No change

In the sign code draft, yard signs of up to 8 square feet may be placed on any residential property with no time limit. Yard signs are not defined by content, except that off-premise advertising is not permitted. At the request of the Bismarck-Mandan Board of Realtors, staff amended the draft to allow yard signs to also be placed on decks and garage doors. Additionally, temporary banners may be used for up to 240 days on multifamily residential buildings of five units or greater.

Staff favors limiting the amount of commercial signage in residential areas, especially placed on single-family homes. Allowing larger signs only on garage doors seems arbitrary, and may create a competitive disadvantage for marketing properties without front-facing garages. We have not seen evidence that an 8 square foot sign is inadequate for marketing residential real estate. Staff is not aware of any other communities that allow signs larger than 8-10 square feet on single-family residential properties.

2. Would like the ability to use low-level lighting through solar power on temporary yard signs.

Staff recommendation: No change

In the sign code draft, illumination would be allowed in residential areas on permanent signs placed on non-residential properties, such as churches and schools, but would not be allowed on temporary yard signs. Internal illumination is currently not allowed on any signs in residential areas.

Staff favors retaining a prohibition of lighting on temporary yard signs. Lighting for holiday decorations

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and other non-sign related purposes is permitted, but allowing lighting of commercial signage on residential properties may lead to enforcement challenges. Although illumination is only being requested by Realtors at this point it would have to be made available to all signs, regardless of content. Staff would be responsible for monitoring and responding to any complaints of excessive brightness.

Staff is not aware of any other cities or model sign ordinances that explicitly permit lighting of yard signs. Many communities explicitly prohibit illumination, although there are other communities that do not address illumination of these sign types at all. There is no clear standard of illumination to follow that has been considered acceptable as applied in other areas.

3. Concerned that limitations on the use of window signs in the downtown may constrain the ability to market spaces on upper floors.

Staff recommendation: Amend to provide additional space if visibility between letters or designs is provided.

In the sign code draft, window signs may be used without size limit outside of downtown. In the downtown area, window signs are limited to 25% of a window opening, unless the interior space is unoccupied in which case they may fill the entire opening. The ordinance allows an exemption for screening purposes if approved by the Downtown Design Review Committee. Window signs do not require a permit. These requirements are currently in effect in the ordinance.

Staff favors keeping the limitation on window signs downtown. The Downtown Design Guidelines encourage transparent ground-floor storefronts that create a more welcoming streetscape, which benefits retail and service businesses and provides additional security through passive monitoring.

Size limits are applied to wall signs downtown, in order to limit the cumulative effect of signs in this area. If window signs are not limited in any way, this would amount to a loophole and defeat the purpose of overall sign area limitations. A 25% coverage for window signs is the most common standard found in other cities, although some communities allow a somewhat higher coverage. Minot allows up to 35%

window coverage. Staff supports using a provision applied in St. Paul, MN, which allows additional window coverage if visibility between letters or designs is present. The draft ordinance has been updated to include this provision.

4. Does not want any time limit to be placed on portable signs.

Staff recommendation: Three options proposed for consideration by Planning and Zoning Commission.

Staff is recommending some restriction on the duration of portable signs to ensure they do not remain in a location permanently. Site signs on properties for sale or rent or in areas under development are also temporary, and may remain until the respective on-site activity is completed.

Portable signs currently do not require any permits, engineering, site plans, or designs. This is because these signs have been considered temporary and thus exempt from permits required for permanent signs. In the past, the City had adopted the Uniform Sign Code, and such temporary signs were exempt but subject to a 60-day time limit. When the International Building Code was updated by the City of Bismarck in 2012, the time limit was inadvertently removed. Therefore, portable signs are currently not addressed in the City ordinance at all.

In general, peer cities in our region regulate portable signs by either prohibiting them outright or applying a true duration limit. Several cities in the region, especially in Montana and Minnesota, prohibit portable signs. Cities in North Dakota and South Dakota allow portable signs typically for 15-day or 30-day time periods, with the option to renew several times a year after removal for a period of time. Mandan is unique in allowing portable signs to remain in place for 240 days.

Placing no time limit at all would provide an unfair advantage to portable signs over permanent signs, which are subject to additional regulation, and there is no clear public benefit to incentivizing one over the other. There is no "correct" time limit to impose for a temporary sign, as this depends on a community's values and economic development objectives. This

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decision is appropriately in the purview of the Planning and Zoning Commission.

Staff puts forth three options for consideration by the Planning and Zoning Commission. The proposed ordinance language of each option is included in the attached draft code, and summarized here:

1. Allow a portable sign to remain in any location for 30 days, after which it must be removed for 15 days before a sign can be placed in that location again. There is no limit to the number of times it may be placed in a calendar year, although slightly more than 240 days per year would be feasible. This option has the advantage of being easier to enforce and more closely aligned with peer communities and industry standards.
2. Allow a portable sign to remain in any location for up to 240 days per calendar year. This option has the advantage of being aligned with Mandan, although Mandan staff have expressed difficulties with enforcement of this provision.
3. State that portable signs must be temporary but decline to establish a specific duration. This would have the advantage of providing more flexibility to portable sign installers, but it would not provide any basis for enforcement.

Staff explored the possibility of using some trigger other than a specific time to limit temporary signs. This method is utilized for site signs, which may remain in place while a lot is for sale or rent or a site is under development, but there are no obvious triggers for other portable signs used by businesses for general advertising. Because the City does not license businesses, there is no way to link use of a portable sign to the opening or moving of a business. Staff is not able to find a clear and enforceable alternative to a specific time limit for the majority of portable signs.

It should be noted that there is disagreement among sign industry stakeholders on this topic. Portable sign companies wish to eliminate the time limit to operate without restriction. Other sign stakeholders have suggested applying a standard 30-day time limit to

ensure portable signs are used for events and other truly temporary purposes.

Staff also acknowledges that the current lack of regulation has allowed a niche business market to form in this region that could potentially be adversely impacted by the stricter requirements imposed by other communities.

5. Wants the ability to place portable signs in residential areas without obtaining a special use permit first. Customers want signs installed right away and do not want to wait for a public process.

Staff recommendation: Increase special use permit effective date range from 1 year to 2 years.

In the draft sign code, portable signs may be placed in any commercial or industrial zoning district. However, portable signs may only be placed in a residential zoning district with a special use permit. Properties in the P – Public zoning district follow the rules of residential zoning districts if the sign would be placed adjacent to a residential area.

Staff is sensitive to the impact of commercial signs on residential areas, where there are additional restrictions in place for all types of signs. Portable signs may be up to 60 square feet in size, may remain for long periods of time, and are typically ancillary to the permanent on-premise sign on a property. This could create a significant impact on neighboring residents. The special use permit process would allow staff to notify neighbors of the intent to install a portable sign, and the Planning and Zoning Commission would learn more about the acceptance for these signs within neighborhoods through this process.

If an organization in a residential area wanted to use a portable sign they could apply in advance and invoke the permit at a time of their choosing within a two-year window. Staff has adjusted the recommendation from requiring a new permit for every year of use to requiring the permit every two years.

Of the 140 portable signs counted in an October 2019 survey, only 10 were located in residential areas. Advanced preparations would only be required for this relatively small number. Sign companies that install

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permanent signs have to prepare designs and plans in advance to obtain a permit, while companies that use portable signs are not accustomed to this timetable.

6. Concerned that the City will rely on self-reporting by the portable sign industry to enforce against violations of the sign code, which is an unfair expectation.

Staff recommendation: No change

Staff has identified various alternatives specifically related to portable sign duration to address potential enforcement challenges.

Enforcement of the sign code is not directly addressed in the draft ordinance under review. However, it is certainly valid to discuss enforcement procedures in conjunction with this ordinance amendment. Staff has stated that enforcement of the sign code is anticipated to be conducted in the same manner as enforcement of other provisions in the zoning ordinance, typically based on complaints received by the Community Development Department.

Complaints about sign violations have originated from a variety of sources, including neighboring property owners or tenants, other governmental agencies such as the North Dakota Department of Transportation, City staff from various departments who notice a violation, or from other entities within the sign industry who are concerned about rules being applied equitably. While the sign industry would be a valuable partner in enforcement, it is not the case that the City would rely entirely on the industry for self-policing.

The lack of any licensing for portable signs in the current ordinance has made enforcement difficult. Staff believes the requirement to license portable sign installers will aid in enforcement of the requirements by providing an efficient means for staff to contact companies in violation and the ability to revoke a license, if necessary, for continued non-compliance.

7. Would like to add illumination to portable signs.

Staff recommendation: No change

The draft sign code does not allow any illumination of portable signs. The reasons for this approach are

similar to responses to the above question about lighting on temporary yard signs. The introduction of illumination to portable signs may encourage more long-term usage of these signs, while the intent is for such signs to be used for temporary purposes. Staff is not aware of any other cities or model sign ordinances that permit lighting of portable signs, so there is no clear standard of illumination to follow that has been considered acceptable as applied in other areas.

8. Would like to include off-premise content on portable signs

Staff recommendation: No change

The draft sign code does not allow portable signs to be used for off-premise advertising, with the exception of advertising for “community-wide events” generally of a non-commercial nature and broad public benefit.

Off-premise signs are subject to state and federal law, under the Highway Beautification Act, including a requirement for permitting from the NDDOT and spacing distances from other off-premise signs. If portable signs were allowed by the City to be used as off-premise signs, they would still potentially be subject to a permit from the DOT. This could complicate and potentially negatively affect the sign industry, because sites for new off-premise advertising signs (i.e. billboards) may need to be spaced away from portable off-premise signs. Given their temporary nature this could be difficult to administer.

Furthermore, allowing portable signs to be used as off-premise advertising could greatly expand the number of portable signs with advertisements for companies that do not have any physical presence or pay any property taxes to political subdivisions in this community.

9. Concerned that measuring the height of signs from the curb will limit the ability to place signs on properties with hills. Would prefer to measure signs from grade beneath the sign.

Staff recommendation: No change

The sign code draft defines height of a sign as, “the vertical distance in feet between the top of the curb of

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the roadway nearest to the pole, monument, or building wall supporting the sign and the highest point of the area of the sign face.” Clearance is defined as, “the vertical distance between any part of a sign, including supporting structure, and the highest finished grade directly beneath the sign.”

The standard method for measuring height of signs is from the curb height of the adjacent street. This is where the majority of people view the sign from, and most studies of optimal sign legibility use this point as their basis. The Manual of Uniform Traffic Devices (MUTCD) measures from the curb, and this is recommended by sign industry groups for on-premise and off-premise signs. Measuring from the curb provides fair and consistent exposure to all property owners regardless of topography of the site. If measurements were made from adjacent grade, properties lower than the roadway may not be able to reach into the cone of visibility and properties higher than the roadway would be afforded greater relative height.

The purpose of the clearance requirement is to avoid collisions with the sign by vehicles or pedestrians, as well as to allow visibility beneath the sign at intersections. For these reasons it must be measured directly beneath the sign.

The concern raised was that there may locations on hillsides where insufficient room would be allowed for a sign face when both height and clearance requirements are applied. This would only apply to pole signs in residential or downtown areas, or potentially the RT – Residential and CA – Commercial zoning districts, where heights are limited to 20-25 feet and clearances are limited to 8 feet. However, topography would have to be extreme to create this condition. Assuming a 3-foot tall sign face, the grade differential between curb and location of sign would need to be about 9 feet in a residential or downtown area (where pole signs are less common) or 14 feet in the CA or RT zoning districts. If there are sites in Bismarck where this condition applies, staff has informed industry stakeholders that a variance may be requested if an extraordinary hardship is present, such as extreme terrain.

10. Seeks clarification about how heights are measured in the definition of monument sign.

Staff recommendation: Adjust definition to clarify.

The sign code draft defines monument sign as follows:

“Monument Sign: a freestanding sign supported by a base of at least seventy-five (75) percent of the sign width with the sign face located eight (8) feet or less from the ground. Signs that are affixed to boulders or other inorganic natural features may be considered monument signs.”

The concern was that it is not clear whether height is measured from the top or bottom of the sign face.

Staff has revised the draft language to read as follows:

“Monument Sign: a freestanding sign supported by a base of at least seventy-five (75) percent of the sign width with the highest point of the sign face located eight (8) feet or less from the ground. Signs that are affixed to boulders or other inorganic natural features may be considered monument signs.”

11. Concerned that only allowing 10% off-premise content on on-premise signs is insufficient for sponsorships.

Staff recommendation: Revise ordinance to apply this provision only to signs owned by non-profit or governmental entities and increase the content allowance to 20%.

The draft sign code allows 10% of the area of any on-premise sign to include off-premise content. In the current ordinance, on-premise signs are not allowed to have any off-premise content. However, it was brought to the attention of staff that often organizers of community events or non-profit activities desire to provide advertising space for sponsors of the event, and the sponsors may be located off-premise. This proposed change was intended to accommodate this desire.

This allowance was not unanimously supported by stakeholders. It was opposed on the grounds that on-premise and off-premise signs have always been

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categorized distinctly and certain federal and state requirements apply only to off-premise signs. Staff included the limit of 10% to balance the interests of industry stakeholders.

Staff supports increasing the allowance from 10% to 20%. The sign used by the Bismarck Event Center facing 5th Street currently uses 19.6% of the sign face for sponsorship content. This precedent can be used for future projects.

There is a concern that the allowance of any off-premise content on on-premise signs could subject these signs to state and federal law, under the Highway Beautification Act. These regulations only apply to off-premise signs. To alleviate these concerns, staff recommends limiting this provision to only signs owned by non-profit or governmental entities.

12. Concerned that determination of which signs qualify as inwardly-oriented may be subjective.

Staff recommendation: No change.

The draft sign code exempts inwardly-oriented signs from all requirements. This is defined as:

“Inwardly-Oriented Sign. A sign that meets any of the following conditions:

- i. Located indoors;
- ii. Located inside a stadium, concert venue, or athletic fields and oriented toward patrons of that venue;
- iii. Located within a parking area or site, such as signs used to provide directions or practical information, and oriented toward the interior of the site;
- iv. Any sign not intended to be visible from the public right-of-way or any adjoining property.”

The City of Bismarck is only interested in signs that impact the public right-of-way or adjoining property owners. Signs oriented toward the interior of sites or within buildings are not within the purview of this ordinance and are thus exempted from all requirements. Some examples are signs pointing toward the stands of a baseball stadium, or signs that

indicate parking restrictions in a parking lot. These would be exempted. On the other hand, signs oriented toward and clearly intended to attract the attention of a user of the public right-of-way would not be exempted.

Staff recognizes that a certain amount of judgement is necessary to determine whether a sign qualifies as “inwardly oriented” or not, but the criteria for such a judgement is clearly defined and we are not aware of any more objective alternatives. Standards based on content are not permissible. Strict visibility would be more objective but difficult to apply. There may be signs that are technically visible from a public right-of-way, but clearly oriented toward and intended to be viewed from the interior of the site. The draft language would allow staff to make a judgement to exempt such signs.

13. Concerned about limitations on illumination for non-electronic signs, because sign companies do not have the ability to adjust brightness levels of these signs.

Staff recommendation: Apply the standard to EMCs only. Use subjective safety and nuisance language for traditional internally-illuminated signs.

The draft sign code required that, “internally-illuminated signs may not exceed a maximum illumination level of 0.3 foot-candles above ambient light levels.” This was written to apply to electronic message centers, and also traditional internally-illuminated cabinet signs.

Cities must decide whether to regulate luminance, the intensity of light output at the source, or illuminance, a measure of the perception of light output from a certain distance from the source. The staff recommended draft uses illuminance for a variety of reasons. It can account for ambient light levels, the meters are less expensive, and it more directly addresses the specific regulatory interest of glare and sign legibility. This is a change from the current ordinance for EMCs, which applies a luminance standard.

This illumination standard is derived from research compiled by the International Sign Association (ISA) on the effects that illumination has on the legibility of EMC

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signs, and has been used by other communities in our region, including Fargo, ND, Billings, MT, Duluth, MN, and Sioux Falls, SD. Signs that are either insufficiently or excessively bright, relative to ambient light levels, are more difficult to read, which creates a traffic safety issue if attention is diverted from the roadway for longer periods of time. Although it would appear that a sign owner would have no incentive to increase brightness above these levels, it may be done to make the sign more attractive in a crowded environment, even at the expense of its own legibility.

However, this ISA guidance is written specifically for EMCs. In principle, the effect of illuminance on legibility would apply to internally-illuminated signs, but local sign companies report that changing brightness levels on non-electronic signs is more challenging. Sign companies also do not typically own light meters, and therefore would not have the ability to determine whether signs they install would be compliant or not. Staff recommends applying an objective lighting standard only to EMCs, while allowing the Zoning Administrator to adjudicate concerns about safety or nuisance, a decision typically made with council from other City staff.

14. Would like the ability to change colors of the illumination of signs more quickly than fading currently allowed, with 1 second transition times between colors.

Staff recommendation: Change to a standard of “gradual” change to be determined by Zoning Administrator.

The draft sign code generally prohibited flashing or fading signs, with the exception of Electronic Message Centers or Digital Billboards which have much more flexibility in lighting. However, a new provision was also included in the draft to allow slow fading between colors with a 10 second transition time. Color changes in illumination are currently prohibited as “flashing signs.”

The allowance for fading colors was the result of a specific request made to the Downtown Design Review Committee. The Committee issued a waiver from the “flashing light” prohibition (which they were authorized to do so by ordinance) on the condition that the fade time between colors was gradual. The 10-second

transition time was decided upon as a reasonable standard to allow the operator to use different colors on the sign without creating an obvious sense of movement.

The provision to allow fading colors in the draft code is experimental. Staff has not identified any other communities that allow color changes on non-electronic signs. Generally, techniques that are employed for the purpose of attracting attention rather than improving legibility are discouraged.

A sign company has requested that color changes be allowed, but with fading occurring at a rate of one color change per second, rather than the previously recommended 10 seconds. Staff now recommends removing the objective standard of seconds between color changes, and allowing the Zoning Administrator to determine an acceptable degree of fading.

15. Would like to reduce the 15 second hold time on Electronic Message Center (EMC) signs in residential areas from 15 seconds to 1 second, matching the hold time in commercial areas.

Staff recommendation: Reduce the hold time on EMC signs in residential areas from 15 to 3 seconds.

The draft sign code requires that electronic message center signs in residential areas hold the same message for at least 15 seconds during daytime hours, and then either a constant message or turned off from 9pm to 7am. An equivalent EMC in commercial areas may change messages every 1 second.

Under the current ordinance, EMCs are completely prohibited from residential areas. Stakeholders, specifically school principals, have recently been requesting the ability to use this sign type in residential areas, and any provisions would also apply to other non-residential uses such as churches. Staff has attempted to draft an ordinance that accommodates this desire, while also preventing a nuisance to surrounding homes to the greatest extent allowable.

In discussion with school principals, staff learned that their primary goal is to convey messages to parents and others attending events at schools in a way that is more convenient than the traditional changeable copy

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signs, which require staff time to manually change lettering. The principals were willing to forgo the ability to apply visual effects. The purpose of the signs is to convey information, not necessarily advertise the school.

The standard applied to EMCs that are within 150 feet of a residential zoning district in the current ordinance is 3 seconds during nighttime hours. There is no magic number for an appropriate hold time, and staff agrees that it may be simpler to follow this precedent and apply a 3-second hold time standard to EMCs in residential areas. However, applying the commercial standard of 1 second to residential areas may create a flashing effect, which could be visible from surrounding homes especially in the winter when sunset occurs well before 9pm.

16. Would like to remove the setback limitation on pole signs in residential areas.

Staff recommendation: No change

In the sign code draft, signs in residential areas for non-residential uses (e.g. schools and churches) may be subject to a setback from the right-of-way. Monument signs have no minimum setback, but pole signs are required to be set back at least the height of the sign, which may be up to 20 feet.

Setbacks for signs are a common feature of sign ordinances in other communities and is applied to off-premise signs in Bismarck, but this is the only instance in which a sign setback would apply to on-premise signs. There are two intentions for this requirement. The first is to encourage low-profile monument signs, over the taller pole signs, in residential areas. The second is to encourage pole signs that are not as tall, or at least minimize the perception of their height by requiring a setback.

Staff is especially sensitive to the impact of signs in residential areas. Especially because the proposed draft will allow internal-illumination and electronic message centers in residential areas for the first time, the inclusion of language to discourage taller signs seems appropriate.

17. Concerned that a 20 feet height limit is too low for pole signs in the downtown. Would like to increase the allowable height.

Staff recommendation: No change.

The draft sign code would limit new pole signs in the DC – Downtown Core and DF – Downtown Fringe zoning districts to 20 feet in height. The current sign ordinance allows signs in this area to be up to 25 feet in height.

Downtown is unique with respect to signs for a few reasons. First, pole signs are less common because buildings are typically constructed to the property line. All new buildings constructed in the downtown are required to be built to or near to the property line, where a wall sign would be more suitable than a pole sign. Pole signs currently in existence may remain as non-conforming signs. Downtown also has a greater number of pedestrians and vehicle travel speeds are slower than on other major arterial roadways. Therefore, lower signs are more appropriate for this area.

The industry group United States Sign Council recommends in their Model On-Premise Sign Code a maximum height 14 feet along downtown streets with a 25 mph speed limit (and 16 feet on streets with a 30 mph speed limit.) All streets in downtown Bismarck have a 25 mph speed limit. Staff recommends staying with the 20-foot height limit.

18. Concerned that EMCs would not be allowed downtown.

Staff recommendation: No change.

The draft sign code would not allow EMCs in the downtown zoning districts. EMCs are currently allowed in the DC and DF zoning districts, although there is some ambiguity in the ordinance on this matter.

Staff posed this question to the board of the Downtown Business Association. This board was not favorable to allowing EMCs in the ordinance for several reasons. There were concerns about light mitigation, especially near hospitals, hotels, and residential uses. A large portion of the Downtown Core area is comprised of the

Downtown Bismarck Historic District, and EMCs may not match the desired aesthetic for this area.

It was pointed out that a few EMCs already exist downtown, including two for the Bismarck Event Center. Any existing signs that were in compliance with the ordinance at the time of installation may remain as non-conforming signs. Routine maintenance and technological updates may be made while still retaining the non-conforming status.

Furthermore, the ordinance authorizes the Downtown Design Review Committee to allow waivers from this ordinance for unique situations.

19. Concerned that a 25 feet height limit is too low for pole signs in CA, RT, and HM districts. Would like to increase to 30 feet.

Staff recommendation: Increase height limit to 30 feet.

In the draft sign code, signs in most commercial and industrial areas may be up to 50 feet in height. In residential areas and downtown the limit is 20 feet. However, the CA – Commercial, RT – Residential, and HM – Health Medical zoning districts are intended to have a transitional character between the two. Therefore, a height limit of 25 feet was recommended by staff.

The reason for this limit is that these zoning districts contain areas which are clearly more residential in nature. For example, a member of public raised concerns during the September 25, 2019 public hearing on the sign code about a sign on North 4th Street, just north of the historic governor's mansion. This block is in the RT – Residential zoning district. On the other hand, staff recognizes that certain other areas zoned RT – Residential may be less sensitive.

If the Planning and Zoning Commission wishes to accommodate the interests of sign industry stakeholders, staff is supportive of an increase in the height limit from 25 to 30 feet in these transitional zoning districts.

20. Would like to remove the requirement to receive a special use permit for signs above 50 feet in height near the interstate.

Staff recommendation: No change.

In the draft sign code, the height of on-premise signs is limited to 50 feet in the CG – Commercial and MA – Industrial zoning districts. However, an exception is allowed for signs within 660 feet of the Interstate. In this area, signs may be allowed up to 80 feet with a special use permit from the Planning and Zoning Commission. Off-premise signs are limited to 50 feet in height with no exceptions available.

Tall pole signs are visible from a greater distance. There are currently 2,347 housing units within 660 feet of Interstate 94, including 429 single-family homes, from which taller signs may be visible. At the same time, these signs are less visible from closer distances, where the sign face may be considerably above the cone of vision of drivers along the adjoining right-of-way. For both of these reasons, staff believes that if taller signs are allowed, they should be afforded extra attention from staff, property owners in the vicinity of the sign, and the Planning and Zoning Commission.

It should be noted that an 80-foot tall sign would not be allowed in any of the 17 peer communities researched in our region, and staff is not aware of any other sign ordinance that allows signs of this height under any conditions. Only three peer communities researched allow signs greater than 50 feet and only near interstates: Fargo (60 feet), Moorhead (70 feet), and Mandan (60 feet). Off-premise advertising signs are limited to 50 feet in height in Bismarck and most other communities.

Since the public hearing, a stakeholder has also requested that this special exemption for taller signs be applied to US Highway 83/State Street, as well as Interstate 94. Staff does not support this amendment, because State Street and Interstate 94 differ significantly in character. Interstates have higher speeds and no stops, which may warrant taller signs to provide visibility. No other peer communities apply height exemptions to any streets other than interstates.

Sign Code Update Process

Staff has utilized stakeholder input, examples from peer communities, and best practices promulgated by the sign industry and professional planning organizations as resources to draft this ordinance, including the United States Sign Council Foundation, the Sign Research Foundation, and the American Planning Association.

Staff began working with stakeholders in the sign industry, business community, and City staff from various departments in November of 2018. The following meetings have been held to date:

Schedule of Stakeholder Involvement

November 2018	Sign Ordinance Stakeholder Meeting
December 2018-January 2019	Meetings with individual stakeholders, including with individual on-premise and portable sign companies and with the principals of Bismarck Public Schools
February 2019	Sign Ordinance Stakeholder meeting
April 2019	First draft sign code released to stakeholder group
May 2019	Sign Ordinance Stakeholder meeting
June 2019	Meeting with portable sign companies
July 2019	Informational meeting with Planning and Zoning Commission
August 2019	Presented for consideration with the Planning and Zoning Commission.
September 2019	Initial public hearing on sign ordinance. Presentation to City Commission for feedback.
October 2019	Individual meetings with the Realtors association and Homebuilders Association.
November 2019	Sign Ordinance Stakeholder meeting.

January 2020

Meeting with on-premise sign companies.

February 2020

Meeting with portable sign companies, as well as a full sign ordinance stakeholder meeting and continued public hearing with the Planning and Zoning Commission.

Upon recommendation, a complete draft ordinance will be prepared for the City Commission showing the text of the new chapter and all sections of the existing ordinance to be removed. The repealed sections, in part or in full, are the following:

- Chapter 4-04 – Signs and Outdoor Display Structures. (entire chapter to be repealed)
- Chapter 14-02 – Definitions. Certain words relating to signs.
- Chapter 14-03-05(9) – Supplementary Provisions/Residential Area Identification Signs.
- Chapter 14-03-05(10) – Supplementary Provisions/Industrial Area Identification Signs.
- Subsection 14-03-06(1)d3
- Section 14-03-08(3)b – (Special Uses/Off Premise Advertising Sign)
- Subsection 14-03-08(3)m6
- Subsection 14-04-12(2)m (the second m); Subsection 14-04-14(2)u; Subsection 14-04-15(2)q;
- Subsection 14-04-21.1(7); Subsection 14-04-21.2(7).

Because administration of the new sign ordinance will require a few procedural changes from City staff, it is recommended that the ordinance become effective 60 days after adoption by the City Commission.

Required Findings of Fact (relating to land use)

1. The proposed text amendment would not adversely affect the public health, safety or general welfare;

(continued)

2. The proposed text amendment is justified by a change in conditions since the zoning ordinance was originally adopted or clarifies a provision that is confusing, in error or otherwise inconsistent with the general intent and purpose of the zoning ordinance;
3. The proposed text amendment is consistent with the general intent and purpose of the zoning ordinance; and
4. The proposed text amendment is consistent with the master plan, other adopted plans, policies and accepted planning practice.

Staff Recommendation

Based on the above findings, staff recommends approval of the zoning ordinance text amendment creating Chapter 14-10 – Signs and amending or repealing various other sections in Title 4 and Title 14, as presented in the draft ordinance attached to the staff report, with an effective date of 60 days after approval by the City Commission.

Attachments

1. Change matrix
2. Draft zoning ordinance text amendment, with revisions from November draft shown.

Staff report prepared by: Daniel Nairn, AICP, Planner
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SIGN CODE CHANGE MATRIX

The proposed sign code is a major amendment, including the consolidation of existing provisions from various titles of the code of ordinances into a new chapter within Title 14. Therefore, it is not feasible to present this amendment in traditional underline and strike-out format. The following table highlights substantive changes made to the content of the ordinance. This does not include minor changes to clarify or reorganize provisions:

Change Made	Description	Reference
Added purpose statement	Added new purpose statement for entire sign ordinance.	14-03.1-01
Removed terms from definitions	Removed the following terms: canopy, closed sign, facing or surface, flashing, frame effect, marquee (included within canopy), NIT, political campaign sign (included within yard sign), real estate sign (included within yard sign), exception, sight triangle (referenced in separate chapter), spite sign, transition time.	14-03.1-02(1)
Defined zoning districts in categories	Zoning districts are defined into agricultural, residential, commercial, industrial, and downtown zoning districts. Sign provisions are applied separately to each zoning district category.	14-03.1-02(1)
Definition of EMC	Previously, signs showing only time and temperature or fuel prices were excluded from the definition of EMC. These exclusions have been removed (not content neutral).	14-03.1-02(1)
Definition of Monument Signs	Signs on boulders or other inorganic natural features are classified as monument signs.	14-03.1-02(1)
Sponsorship content allowed as on-premise	on-premise signs for governmental or non-profit entities are allowed up to 20% off-premise content. This accounts for sponsorships and patronage.	14-03.1-02(1)
Category for P – Public zoning districts	Signs in P – Public zoning districts adjacent to or across from residential districts follow residential standards; all others follow commercial standards.	14-03.1-02(1)
New defined terms	The following terms were added to definitions: changeable copy sign, permanent sign, primary street frontage, secondary street frontage, sign, site sign, temporary banner, yard sign.	14-03.1-02(1)
New Section for measurements	Methods for measuring area, distance, height, setback, and illumination are provided.	14-03.1-02(2)
New section for permit-exempt signs	Certain signs may be installed without obtaining a permit. These are each defined with requirements that apply to certain signs by type. These include architectural features, air-blown signs, beacons, carried signs, construction fence signs, EMC demos, feather flag signs, flags, graves, identification plaques, inward-oriented signs, public art, public utilitarian signs, sidewalk sign, small-scale freestanding signs, temporary banners, temporary lighting displays, vending machine signs, window signs, and yard signs.	14-03.1-03(2)

Change Made	Description	Reference
Creation of Site Signs	Site signs are created as temporary signs on sites that are either for sale or rent or under development. Certain conditions apply, but site signs are exempt from permits.	14-03.1-03(2)
New section for permit-exempt activities	Activities that do not require a sign permit are defined. This section is almost entirely new. Changing faces of certain signs requires permit and others do not.	14-03.1-03(3)
Expanded section for prohibited signs	Signs newly prohibited in all zoning districts include roof signs and vehicles signs (inoperable).	14-03.1-03(4)
Removal of certain prohibitions	Signs removed from prohibited list include spite signs, use of fluorescent “day-glo” paints, signs on stairwells, signs painted on walls.	14-03.1-03(4)
Section on new sign types	Zoning Administrator is authorized to classify new sign types into the closest defined sign type.	14-03.1-03(6)
Section on permitting procedures	This is a new section that is based generally on current practice, unless noted below.	14-03.1-04
Multiple signs together	Multiple signs may be included on one permit application.	14-03.1-04(3)
Street visualizations required	Renderings are required for all EMCs and billboards using photographs taken from the street at set distances, to assist with review of public safety impact.	14-03.1-04(3)d
Portable sign reporting	Portable signs do not require individual permits, but licensed sign installers must submit monthly reports showing location and duration of all signs, including photographs. Identification of owner is required.	14-03.1-04(4)
Expanded maintenance requirements	Upkeep and maintenance of existing signs is addressed with more detail.	14-03.1-05(3)
Illumination	Illumination section added to protect against excessive brightness and light trespass.	14-03.1-05(4)
Fading colors	Transition between colors allowed in a fading, but not flashing, manner.	14-03.1-05(4)
Requirements for signs in public ROW	City Engineer is authorized to approve only signs above the right-of-way or sidewalk signs with an encroachment agreement.	14-03.1-05(5)a
Signs in sight triangles	Requirements for signs within sight triangles are clarified (this has not changed from current practice).	14-03.1-05(5)b
Temporary signs allowed within easements	Permanent signs are not allowed within easements (this has not changed from current practice). Temporary signs are exempt from requirement to not place signs within easements.	14-03.1-05(5)d
Obscenity prohibited	Obscene images or language from the point of view of a typical person applying current standards of the community is not allowed.	14-03.1-05(6)
Sponsorship content allowed as on-premise	on-premise signs for governmental or non-profit entities are allowed up to 20% off-premise content. This accounts for sponsorships and patronage.	14-03.1-05(9)
Purpose statements for zoning districts	New purpose standards added for all zoning districts.	14-03.1-06(1) 14-03.1-07(1) 14-03.1-08(1) 14-03.1-09(1)
Prohibited in Agricultural district	All non-exempt signs are prohibited in the Agricultural zoning district.	14-03.1-06(2)

Change Made	Description	Reference
Portable signs in Residential require Special Use Permit	Portable signs are prohibited from residential zoning districts unless a Special Use Permit is granted (including P-public districts adjacent to residential).	14-03.1-07(3)c
Height for residential identification signs	Previously residential identification signs were required to be from 6-12 feet depending on setback. This is changed to 8 feet.	14-03.1-07(4)d
Area for residential identification signs	Previously residential identification signs were required to be from 32 – 60 square feet, depending on setback. This is changed to 60 square feet.	14-03.1-07(4)d
Landscaping beneath residential identification signs	Landscaping required, as already required for institutional signs in residential districts.	14-03.1-07(4)f
Sign area for institutional signs in residential districts	Previously wall signs were limited to 120SF and freestanding signs to 40SF. This is changed to a formula based on linear street frontage applies to all types of signs.	14-03.1-07(5)a
Setback for institutional signs in residential districts	Previously, monument signs above 3 feet and pole signs with content less than 8 feet required 25 foot setbacks. This is changed to pole signs are required to be setback at least the height of the sign, and monument signs are not required to be set back.	14-03.1-07(5)b
Content of institutional signs in residential districts	Previously limited to name and activities or services. Removed, although general on-premise sign requirements remain.	14-03.1-07(5)a
Height of institutional signs in residential districts	Maximum height of institutional signs in residential districts is increased from 15 to 20 feet.	14-03.1-07(5)b
Illumination of institutional signs in residential districts	Removed restrictions on internal illumination of signs. No time limit is applied. Only general illumination standards apply.	14-03.1-07(5)
EMCs in residential zoning districts	Electronic message center signs were previously prohibited in residential zoning district, but they are now allowed with a special use permit. Limits are placed on number, area, clearance, operation, etc.	14-03.1-07(5)d
EMCs on monument signs	EMCs were previously prohibited on monument signs. These would now be allowed.	14-03.1-07(5)d 14-03.1-08(3)d
EMC illumination standard	The standard for maximum illumination of EMCs is changed from a NIT-based to a footcandle-based measurement.	14-03.1-07(5)d 14-03.1-08(3)d
Number of freestanding signs in commercial districts	Pole signs and monument signs are each limited to one sign per street frontage per parcel. One addition small freestanding sign is allowed per street frontage.	14-03.1-08(3)a
Standard clearance of all signs	Previously clearance requirements varied between 7 feet and 10 feet, depending on sign type and district. Consistent clearance of 8 feet is now used for all signs, including EMCs (except 10 feet in sight triangles).	14-03.1-08(3)
Height of freestanding signs in commercial districts	Height of pole signs are limited to 50 feet in most commercial and industrial areas or 30 feet in neighborhood commercial, office, and medical areas.	14-03.1-08(3)a

Change Made	Description	Reference
Interstate-oriented signs may be higher	With a special use permit, a sign oriented toward an interstate may be up to 80 feet in height. EMCs may not be higher than 50 feet.	14-03.1-08(3)a
Wall signs on accessory buildings	Wall signs may only be affixed to a principal building, not an accessory building.	14-03.1-08(3)b
Projecting sign dimensions	Projecting signs may not extend more than 6 feet, over drive lanes, and must maintain 8 feet of clearance.	14-03.1-08(3)c
EMC height limits	Limits of heights of EMCs are eliminated. Instead, the EMC portion of the sign must be beneath static portion.	14-03.1-08(3)d
Portable sign requirements	All new requirements are added for portable signs, including duration, area, on-premise location, number, etc.	14-03.1-08(5)
EMCs and air blown signs downtown	EMCs and air blown signs are prohibited in downtown zoning districts.	14-03.1-09(3)
Clarification of area requirements downtown	The allowable sign area is based on linear feet of frontage <i>occupied by building</i> . This has previously been the practice, but is now clarified in the ordinance.	14-03.1-09(4)
Dimensional lettering on signs downtown	Dimensional lettering was previously required for non-illuminated wall signs and projecting signs. This would also be required for non-illuminated pole signs and monument signs.	14-03.1-09(5)
Illuminated signs downtown	Clarify that signs are exempt from dimensional requirements only if illuminated from within.	14-03.1-09(6) 14-03.1-09(8)
Exemptions from dimensional lettering	Narrow supplementary text is also excluded from the requirement to be dimensional.	14-03.1-09(5)
Signs painted on buildings downtown	This is not allowed on historic structures.	14-03.1-09(6)
Canopy Sign Height	Signs were previously permitted to hang below canopies, with a clearance of 7 feet above grade. This is changed to 8 feet.	14-03.1-09(7)
Height of pole signs downtown	This is reduced from 25 feet to 20 feet.	14-03.1-09(10)
Number of pole signs downtown	Only one pole sign is allowed per parcel. Previously, parcels with multiple street frontages could install a pole sign for each frontage.	14-03.1-09(10)
Any business allowed sidewalk signs	Any business occupant may utilize a sidewalk sign. Sidewalk signs were previously limited to ground-floor businesses.	14-03.1-09(11)
Sidewalk sign clearance	Sidewalk sign placement previously required 6 feet of open pathway. This is reduced to 4 feet to match ADA requirements and to be consistent with other encroachments.	14-03.1-09(11)
Sidewalk sign width	Maximum sidewalk sign width is increased from 2 feet to 2 ½ feet to align with existing signs in use.	14-03.1-09(11)
New section on non-conforming signs	Preexisting signs that do not conform to zoning may remain and certain actions may be performed on non-conforming signs.	14-03.1-10
Responsible party assigned	References to "Building Official," "Zoning Administrator," and "City Administrator" now all refer to "Zoning Administrator."	Throughout

CITY OF BISMARCK SIGN CODE

Amended as of: 2/26/2020
Adopted on: TBD

Annotations reflect changes from 11/20/2019 DRAFT

DRAFT

City of Bismarck Zoning Ordinance – Chapter 14-03.1 Signs

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Chapter 14-03.1 – SIGNS

Section 14-03.1-01 Purpose

The purpose of this chapter is to:

1. Provide fair standards and procedures to ensure that individuals, businesses, and organizations have a reasonable ability to communicate messages to the general public.
2. Protect public safety by preventing or mitigating traffic hazards through obstruction of view, distraction of roadway users, and all other negative effects on public travel.
3. Promote wayfinding to facilitate the efficient identification of destinations, which requires making a distinction between on-premise signs, which provide said benefits, and off-premise signs, which do not directly aid in wayfinding.
4. Reduce visual clutter along public rights-of-way to improve the legibility of existing signs, including traffic control devices, and enhance the overall aesthetics of the community.
5. Protect property values of residential and commercial property owners who may be negatively impacted by signs within view of the property.
6. Encourage creative expression and artistic contributions to the community, which requires a distinction between signs of a commercial and non-commercial nature.
7. Preserve the health, safety, and general welfare of the public.

Section 14-03.1-02 Definitions and Measurements

1. **Definitions of Terms.** In addition to the overall definitions for zoning contained in Section 14-02-03 (Definitions) of the City Code of Ordinances, the following definitions represent the meanings of terms as they are used in this chapter:

Air-blown Sign. A sign that is designed to be moved or filled with air or gas, such as balloons and products marketed as “air puppet” or “tube man.” This includes such devices that do not contain a message but are intended to attract attention.

Awning: Any structure or shelter attached to and projecting outward from the face of a building, typical extending over a sidewalk or other thoroughfare.

Changeable Copy Sign. A sign or portion thereof with characters, letters or illustrations that can be changed or rearranged manually without altering the

face of the sign. Reader boards and marquee signs are considered changeable copy signs.

Commercial Zoning District: The CA – Commercial, CG – Commercial, HM – Health Medical, or RT – Residential zoning districts. Street frontages in a P – Public zoning district that are not adjacent to or across from a residential zoning district are considered to be within a commercial zoning district for the purpose of this section.

Community-Wide Event. Any special event or other local, cultural, educational, or sporting activities of specific benefit to the City. Any content with the primary purpose of endorsing or promoting commercial interests; campaign messages that endorse or oppose a candidate for election to public office; or business logos and sponsorships by commercial entities shall not be considered advertisement of a community event.

Digital Off-Premise Advertising Sign: An off-premise advertising sign with a digital display of information that is capable of displaying multiple static images sequentially and is controlled by electronic communications. A sign with one digital face and one static face shall be considered a digital off-premise advertising sign.

Downtown Zoning District: The DC – Downtown Core and DF – Downtown Fringe zoning districts.

Electronic Message Center Sign (EMC): An on-premise advertising sign with a digital display of information that is capable of displaying characters, letters or illustrations and can be electronically changed by remote or automatic means.

Feather Flag Sign: A freestanding sign typically constructed of a single plastic or metal shaft driven in the ground or fixed to a weighted base and with an attached pennant that is vertically elongated and attached to the shaft.

Frame Hold Time: The duration or interval of time during which each individual digital advertisement or message is displayed on any sign which is capable of sequentially displaying more than one advertisement or message on its display surface.

Freestanding Sign: A permanent sign that is not attached to any building or structure, with the exception of a structure, such as a pole or foundation, with the sole purpose of supporting signs. Freestanding signs are further divided into pole signs or monument signs.

Industrial Zoning District: The MA – Industrial or MB – Industrial zoning districts.

Monument Sign: a freestanding sign supported by a base of at least seventy-five (75) percent of the sign width with the highest point of the sign face located

eight (8) feet or less from the ground. Signs that are affixed to boulders or other inorganic natural features may be considered monument signs.

Off-Premise Advertising Sign: A ground sign, as defined in the most recent adoption of the International Building Code (IBC), that may advertise goods or services that are not associated with the use of the premises. Off-premise advertising signs may also advertise on-premise goods or services. An off-premise advertising sign may be static, digital, illuminated, non-illuminated or any combination thereof where permitted.

On-Premise Advertising Sign: A sign advertising the business, person, service or major product of the building or land upon which it is located, or identifying the premises or goods manufactured, produced, or services rendered thereon. On-premise does not necessarily imply that the sign and its referent share a single lot or parcel, but a set of contiguous lots or parcels that function as a whole use may be considered a premise for the purposes of this definition. ~~On-premise signs may include ancillary off-premise content, such as sponsorships, provided this content does not occupy more than ten (10) percent of the sign area.~~

Permanent Sign: Any sign that is intended to be and is constructed to remain unchanged in character and position and affixed to features such as the ground or building for one (1) year or more. A temporary sign left in place for one (1) year or more does not become a permanent sign.

Pole Sign: A freestanding sign resting on or supported by one or more poles or other vertical structures. Any permanent freestanding sign that does not meet the definition of monument sign shall be considered a pole sign. Signs commonly referred to as pylon signs are considered poles signs.

Portable Sign: A sign that is constructed so as to be movable, either by skids, wheels, truck or other conveyance and which does not have a permanent foundation or is otherwise permanently fastened to the ground and is not actively used as a vehicle for movement of goods. When on a trailer, the removal of the wheels or undercarriage does not place the sign in another category, neither does the anchoring of the sign by means of concrete blocks, sandbags, or other types of temporary anchors. However, sidewalk signs are not considered portable signs.

Projecting Sign: A sign that is wholly or partly dependent upon a building or structure for support and which projects outward from the surface of the building in a direction not parallel to the surface.

Residential Zoning District: The R5 – Residential, R10 – Residential, RM – Residential, RMH – Residential, RR – Residential, or RR5 – Residential zoning districts. Lots or parcels within a P – Public zoning district that is adjacent to or across from a residential zoning district are considered to be within a residential zoning district for the purpose of this section.

Sidewalk Sign: A sign that is portable, typically designed with an A-frame structure, and is placed on the sidewalk or boulevard area of a public right-of-way, associated with an abutting commercial establishment.

Sign: Any visual display visible from a public right-of-way designed to identify, announce, direct, or inform.

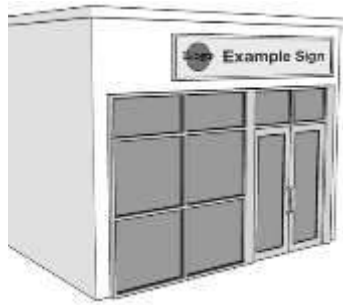
Sign Face: The entire surface area of the sign that is used to identify, advertise or communicate information for visual representation and is visible from any one direction, exclusive of any supporting structure for the sign. Multiple parts of a sign attached to a wall are considered a single sign face if the parts are intended to be viewed as a coherent whole. Multiple sign faces may be considered parts of one sign, provided the sign faces are no greater than eighteen (18) inches from each other in distance and are either parallel to or at an interior angle of less than thirty (30) degrees with each other.

Site Sign: An on-premise sign of temporary nature installed on a parcel of land with certain activity specified in this ordinance underway and constructed of temporary materials such as plywood, durable plastic, composite, or metal, with or without a frame. Yard signs as herein defined shall not be considered site signs.

Temporary Banner: A display sign banner, or other advertising device constructed of, cloth, canvas, fabric or other light temporary material, with or without a structural frame intended for a limited period of display, including but not limited to decorative displays for holidays, public demonstrations, business sales, promotions, and relocations. Portable signs as herein defined shall not be considered temporary banners.

Wall Sign: A sign fastened to the wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms a background surface of, the sign.

Yard Sign: A small sign of a temporary nature inserted into the ground by wire or post, including but not limited to real estate signs, garage sales, political signs, and construction signs, constructed of a light temporary material, such as corrugated plastic, aluminum, or composite, with or without a frame. Portable signs and site signs as herein defined shall not be considered yard signs.



Wall Sign



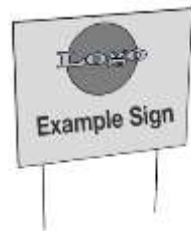
Projecting Sign



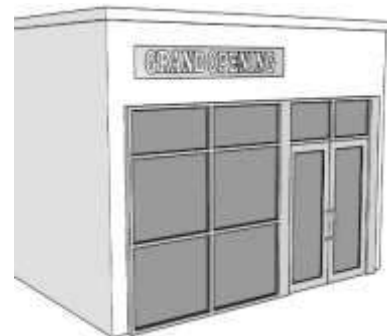
Pole Sign



Monument Sign



Yard Sign



Temporary Banner

Figure 1: Illustrations of Selected Sign Types

2. **Method of Measurement.** All dimensional measurements in this chapter shall be calculated based on the following methods:
 - a) **Determining Allowable Area.** Wherever a total allowable sign area is applied in this chapter, the following methods shall be used to determine area measurements:
 - i. The total allowable sign area for all signs on a parcel is based on the

length of linear street frontage of the parcel on a public right-of-way, other than alleyways, towards which the sign or signs are oriented in all parcels outside of Downtown Zoning Districts. In Downtown Zoning Districts, total allowable sign area for all signs on a parcel is based on the length of street frontage that is occupied by a building at any point along a perpendicular line extending from the street frontage, other than alleyways, towards which the sign or signs are oriented.

- ii. The primary street frontage shall be considered the side from which the principal structure on the parcel has its primary entrance, which is the means by which the majority of the ground-floor space of the building is accessed or the most commonly used entrance for the building. In such cases where said entrance is on a corner, the Zoning Administrator shall assign one street frontage as primary.
 - iii. Secondary street frontages shall be considered all sides of a property that are not considered the primary street frontage.
 - iv. The total allowable sign area is applied separately to the primary street frontage and any secondary street frontages as herein defined, and allowable area may not be transferred between frontages on a parcel.
 - v. Only permitted signs are included in total allowable sign area calculations. Permit-exempt signs shall not be included.
- b) **Area of Sign Face.** the area in square feet of a sign face, not including any supporting structures, is measured as follows:
- i. Signs within a cabinet or base with a regular polygon or circular shape shall be measured as the total area of the shape, including any frame.

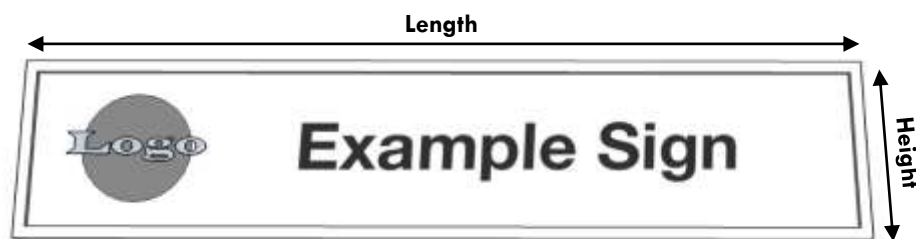


Figure 2: Example of regular shape area measurement (Length x Height)

- ii. Signs with irregularly-shaped sign faces or multiple parts, such as independent letters or logos, shall be measured as the area of the smallest single polygon with all interior angles less than 180 degrees that encompasses the entire sign face.



Figure 3: Example of irregular shape area measurement (Area within dashed line)

- iii. Signs on a non-planar shape, such as spheres, cylinders, cones, or other multidimensional shapes, shall be measured as the sum of the four vertical sides of the smallest cube that completely encompasses the sign.

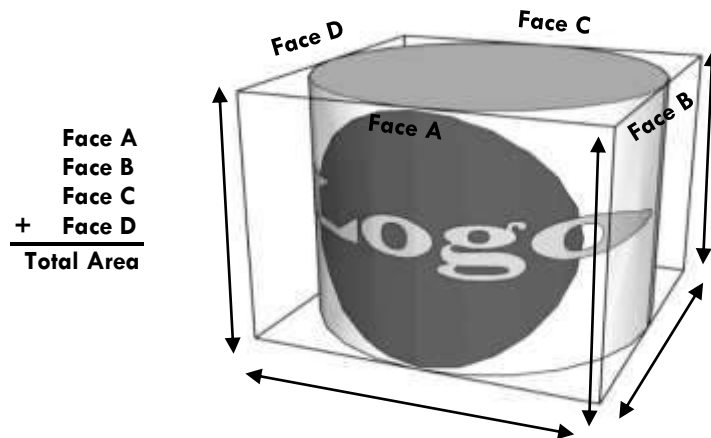


Figure 4: Example of measurement of non-planar shape

- iv. Signs with two faces are measured as the area of only the larger of the two faces, as long as the faces are no greater than eighteen (18) inches from each other in distance and are either parallel to or at an interior angle of less than thirty (30) degrees with each other. Signs with multiple faces that do not meet this condition shall be considered separate signs for each face.

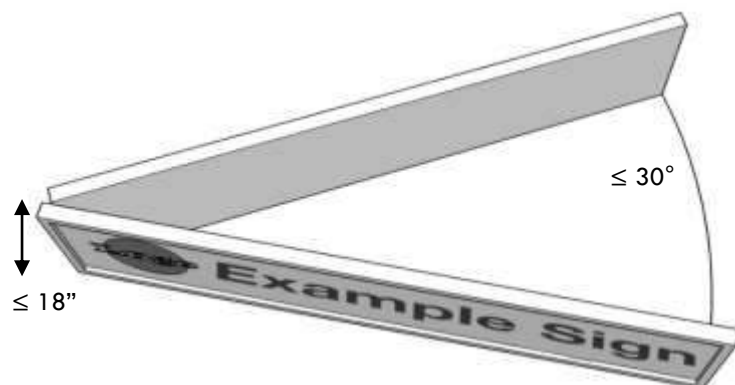


Figure 5: Example of one sign with two faces

- c) **Height of Sign.** The vertical distance in feet between the top of the curb of the roadway nearest to the pole, monument, or building wall supporting the sign and the highest point of the area of the sign face.
- d) **Setback of Sign.** The horizontal distance between any part of a sign or supporting structure and the front property line of the parcel the sign is located within.
- e) **Clearance of Sign.** The vertical distance between any part of a sign, including supporting structure, and the highest finished grade directly beneath the sign.

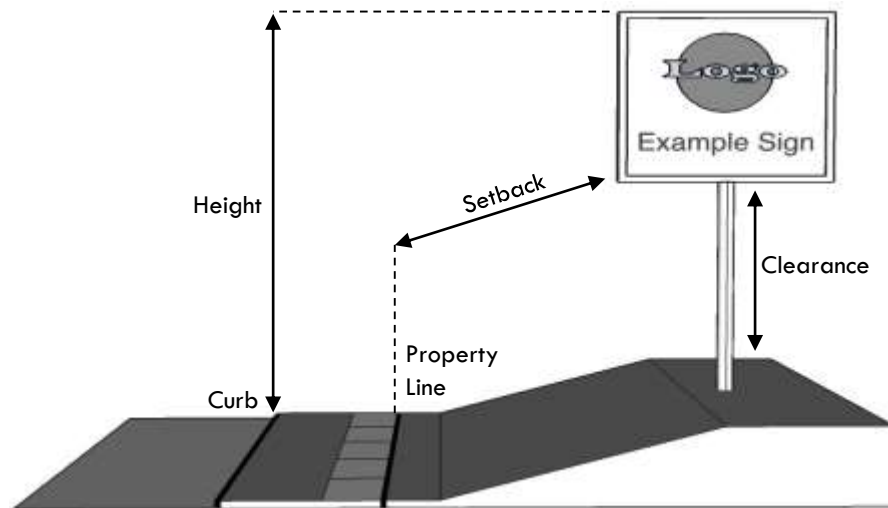


Figure 6: Example of height, setback, and clearance measurements

- f) **Spacing of Signs.** The shortest distance between two signs, as measured horizontal to the ground plane from the any point on both signs.
- g) **Illumination of Signs.** The illumination of signs is measured in foot-candles by an illuminance meter. Two measurements must be taken, one for ambient light and another for operational light, with as short a duration between tests as practicable. Required illumination levels are determined by subtracting ambient light from operational light.
 - i. **Location of Tests.** Measurements shall be taken from a distance no closer than the nearest curb of a public right-of-way or the nearest property line to the subject sign at a height of three (3) feet above the ground.
 - ii. **Time of Tests.** Measurements may be taken at any time. However, conducting tests at least 30 minutes past sunset is recommended.
 - iii. **Testing Method.** Ambient light is recorded with the subject sign turned off, or alternatively the sign may be blocked by a dark and opaque object. Operational light is recorded with the sign turned on and

displaying a full white image, or alternatively measured as the highest level recorded during normal sign operation. The light meter shall be pointed directly at the sign for both tests.

Section 14-03.1-03 **Scope of Sign Provisions**

1. **Applicability and Jurisdiction.** This chapter shall apply to the construction, installation, function, maintenance, and/or alteration of all signs, whether permanent or temporary, in the entirety of the City of Bismarck and its extraterritorial zoning jurisdiction.
2. **Permit Exempt Signs.** The following signs are exempt from requirements to obtain permits in Section 14-03.1-04, but are still subject to the general standards of Section 14-03.1-05 and any specific standards as noted herein:
 - a) **Address Number.** A physical street address marking, as required by Section 10-01-07 (Numbering Buildings and Lots) of the City Code of Ordinances, except where the address information is also included within the name of the business or organization owning or occupying the premises.
 - b) **Air-Blown Sign.** A temporary sign, as defined in this chapter, subject to the following provisions
 - i. Air-blown signs may be displayed on a property or lease space for a continuous display period of no greater than seven (7) days. Up to two (2) display periods are permissible per calendar year per business or organization. The display periods cannot be consecutive and must be separated by at least thirty (30) days.
 - ii. Air-blown signs are prohibited in the downtown zoning districts
 - c) **Architectural Feature.** A sign, symbol, logo, or lettering that is integral to a building's structure and design that is constructed with permanent materials that are used generally throughout the building and are not specific to the sign.
 - d) **Beacon Transmission:** The use of location-based wireless transmission to or collection of information from personal electronic devices within proximity of the transmitter, through means such as Bluetooth or similar technologies, provided that transmitters are on private property and use is in compliance with all applicable state and federal law.
 - e) **Bulletin Board.** An informational display, such as a menu board, an event listing, promotional flyer, or other display intended to be read from a close distance and providing specific information typically sought by the viewer. Bulletin Boards may be illuminated only externally with light directed toward the bulletin board.
 - f) **Carried Sign.** A sign carried or worn by a person or persons, provided that all traffic safety laws are met.

g) Construction Fence Sign. A sign affixed to a fence erected temporarily around a construction site, subject to the following provisions:

- i. Construction fence signs must be installed flush to the fence and may not extend beyond the area of the fence, but are otherwise not limited size.
- ii. Construction fence signs must be removed no later than thirty (30) days after a certificate of occupancy has been granted on the building on site or ceasing of the activity for which the fence is used.

g)h) Electronic Message Center Sign Demonstration. The temporary display of an electronic message center for demonstration purposes over a period of twenty-four (24) hours or less, provided the sign is used as an on-premise advertising sign without any off-premise advertising content.

h)i) Feather Flag Sign. A sign, as defined in this chapter, subject to the following provisions:

- i. Feather flag signs may be displayed on a property or lease space for a continuous display period of no greater than sixty (60) days. Up to two (2) display periods are permissible per calendar year per business or organization. The display periods cannot be consecutive and must be separated by at least thirty (30) days.
- ii. Feather flag signs are prohibited in the downtown zoning districts.

i)j) Flag or Pennant. A flag, emblem or insignia of any nation, political subdivision, corporation, or any other entity.

j)k) Grave Marker. A name or other marker of the deceased located in a cemetery.

k)l) Identification Plaque. A small, permanent wall sign or plaque that identifies a household name, business and/or organization occupying a building, subject to the following provisions:

- i. No more than one (1) identification plaque is permitted on any parcel.
- ii. Identification plaques may not exceed one and a half (1 ½) square feet in area in residential zoning districts.
- iii. Identification plaques may not exceed three (3) square feet in area in commercial zoning districts, industrial zoning districts, downtown zoning districts, or agricultural zoning districts. An identification plaque may be freestanding in agricultural zoning districts.
- iv. Identification plaques may not be illuminated, either internally or externally.

l)m) Inwardly-Oriented Sign. A sign that meets any of the following conditions:

- i. Located indoors;

- ii. Located inside a stadium, concert venue, or athletic fields and oriented toward patrons of that venue;
- iii. Located within a parking area or site, such as signs used to provide directions or practical information, and oriented toward the interior of the site;
- iv. Any sign not intended to be visible from the public right-of-way or any adjoining property.

m)n) Public Art. Any installation of a mural or visual artwork visible from a public right-of-way that not does not contain any brand name, product name, letters of the alphabet spelling or abbreviating the name of any product, company, profession, business, logo, trademark, or other commercial message. The following provisions must be met only in the DC – Downtown Code and DF – Downtown Fringe zoning districts:

- i. All Downtown Design Review procedures shall be followed for any installation of public art.
- ii. The public art is not installed on any side of a building directly adjacent to a public right-of-way, excluding alleys.
- iii. The public art is not installed on a vacant building or within a vacant lot or parcel, unless the property owner has filed a building permit with the intention of occupation or is otherwise actively in the process of improving the building or parcel for the purpose of occupation.
- iv. The public art is not installed on any original façade of a building listed as a contributing structure of the downtown historic district, unless the art may be attached to a removable panel without damage to the underlying historic façade and the artwork meets all other downtown design review requirements pertaining to historic structures.

n)o) Public Utilitarian Sign. Signs of a non-commercial nature and in the public interest displayed by order of a political subdivision or public utility in performance of its official duties for the purpose of traffic control, wayfinding, public safety, providing legal notice, or identifying public facilities or historical landmarks.

o)p) Sidewalk Sign. A portable sign, as defined in this chapter. Sidewalk signs are subject to the following restrictions:

- i. The maximum width of a sidewalk sign shall be two (2) feet, six (6) inches and the maximum height shall be four (4) feet.
- ii. Sidewalk signs may only be placed within a public right-of-way in downtown districts, subject to standards of Section 14-03.1-09(11). Sidewalk signs must be placed on private property in all other districts, unless granted an encroachment agreement.

p)q) **Site Sign.** A temporary site sign used for on-premise commercial advertising, as defined in this chapter. Site signs are subject to the following restrictions, depending on activity currently underway on the parcel or in the vicinity thereof:

- i. **For Sale or Rent.** Site signs may be placed on parcels containing property that is currently for sale or rent in commercial, industrial, downtown, or agricultural zoning districts, as well as any RM – Residential zoning district. On said parcels, one (1) site sign may be placed per street frontage on a parcel, with one (1) additional site sign allowed on street frontages of greater than two hundred (200) feet in length. Said site sign(s) shall be no greater than forty (40) square feet in area and eight (8) feet in height, and shall be removed no later than thirty (30) days after sale, lease, or occupancy of the property.
- ii. **Under Development or Construction.** Site signs may be placed on parcels in areas that are currently under development or building construction in any zoning district. On said parcels, no more than three (3) site signs may be placed at each entrance into a development or site. All of said site sign(s) shall be no greater than one-hundred and forty-four (144) square feet in area cumulatively and ten (10) feet in height, and may be displayed until thirty (30) days after all lots in a subdivision have been sold by the developer or thirty (30) days after a certificate of occupancy has been granted on an individual commercial property that is not associated with a subdivision under development.
- iii. Site signs are prohibited on properties that do not meet either of the provisions of this section.
- iv. Site signs are permitted in addition to any other signs, temporary or permanent, allowed on a parcel under this chapter, and all measurements of spacing or number shall be made independently of other sign types.
- v. Site signs may not be illuminated, either internally or externally.

r) **Small-Scale Freestanding Sign.** A small permanent on-premise sign, typically used for ancillary messages such as providing directions, subject to the following provisions:

- i. The sign is no larger than six (6) square feet with a height of three (3) feet or less.
- ii. No more than two (2) small-scale freestanding signs may be installed on each street frontage of each parcel, in addition to any permitted freestanding signs.

q)s) Temporary Banner. A temporary sign, as defined in this chapter, subject to the following provisions:

- i. Temporary banners may be displayed on a property or lease space for a continuous display period of no greater than **two hundred and forty (240) days per calendar [potentially changed to reflect option selected for portable signs on page 31 of this draft]** year per business or organization.
- ii. Temporary banners may not be used to advertise off-premise commercial content, ~~except when ancillary off-premise content, such as sponsorships, occupy no more than ten (10) percent of the sign area.~~
- iii. Temporary banners must be attached to, and flush with, a building wall, retaining wall, fence, or other permanent structure.
- iv. Temporary banners may not exceed thirty-two (32) square feet in area in downtown zoning districts and residential zoning districts.
- v. Temporary banners may not be displayed on residential properties of four (4) units or less.
- vi. Temporary banners may not be illuminated, with the exception of temporary banners affixed to a permitted permanent sign structure to allow for transitions between occupants of a building.

r)t) Temporary Lighting Display. Temporary use of low-wattage lighting for holidays or other events, including standard effects such as flashing or fading, provided any associated glare does not create a public nuisance or traffic safety hazard.

s)u) Vending Machine Sign. A sign integral to a legally-operating vending machine.

t)v) Window Sign. A sign affixed to the inside or outside of an exterior window or located in the interior of a building, within twelve (12) inches of a window, and oriented outside the window, subject to the following requirements:

- i. Window signs may not be used to advertise off-premise commercial content.
- ii. In downtown zoning districts, paper, cardboard, or solid surface signs are not permitted on second floor windows or above.
- iii. In the downtown zoning districts, all window signs on a building may not occupy more than twenty-five (25) percent of the total transparent window surface of each window or door opening, unless the interior space is unoccupied or window signs are used for an appropriate screening function and are approved by the Downtown Design Review Committee. Notwithstanding, any window sign or part thereof that does not completely impede visibility, but provides transparency between individual letters or designs, shall be counted as fifty (50)

percent of a window sign for the purposes of measuring maximum window coverage.

u)w) **Yard Sign.** A temporary sign, as defined in this chapter. Yard signs are subject to the following provisions:

- i. A yard sign may not be used to advertise off-premise commercial content. Advertisement of on-premise commercial activity, including but not limited to real estate, sales, construction activity, is permitted for the entire duration of said activity and must be removed within thirty (30) days after completion of said activity. Non-commercial yard signs are permitted and not limited in number or duration.
- ii. Yard signs are not permitted for home occupations permitted under Section 14-03-06(2) of the City Code of Ordinances.
- iii. Each yard sign may not exceed eight (8) square feet in area, exclusive of any post or supporting structure. Notwithstanding, one (1) non-commercial yard sign may exceed this area limitation for a time period no greater than twenty-four (24) hours. Said non-commercial sign may not be used more than one (1) time per calendar year on any parcel unless the content of the sign is changed.
- iv. Yard signs may be freestanding or attached to a fence, deck, or garage door, but may not be affixed to a building wall or any vegetative matter.
- v. Yard signs may not be illuminated, either internally or externally.

3. **Permit Exempt Activity.** The following activities are exempt from requirements to obtain a permit in Section 14-03.1-04 only if the activity does not render a sign non-compliant, or further non-compliance in the case of non-conforming signs, with any ordinance requirements:

- a) **Routine Maintenance.** Maintenance necessary to keep a sign in a functional and attractive condition, including painting, cleaning, replacing parts, and small repairs. Temporary removal may be considered maintenance if the same sign is placed back in the same location and orientation. Any enlargement, structural alteration, upgrading technological elements, or relocation is not considered routine maintenance.
- b) **Change of Message.** Changing the message content on the face of any off-premise advertising sign, changeable copy sign, or electronic message center. Replacing or altering the face of any other permitted permanent sign is not exempt from requirements to obtain a permit for the replacement or alteration.
- c) **Removal of Sign.** The removal of any permanent or temporary sign, including the dismantling and complete removal of all supporting structures used exclusively for the sign.

4. **Prohibited Signs.** Certain signs that detract from the purpose of this chapter are prohibited. Provisions related to the prohibition of signs in specific zoning districts are within sections 14-03.1-06 through 14-03.1-09. The following signs are prohibited in all zoning districts:
- a) **Sign Resembling Public Facility.** A private sign that resembles or conflicts with a public sign or traffic control device.
 - b) **Roof Sign:** A sign that is mounted on the roof of a building which is wholly dependent upon a building for support and which projects above the parapet of a building for a flat roof, the eave line of a building with gable roof, or the deck line of a building with a mansard roof. A false roof, canopy, and other non-structural fascia shall not be considered a roof for the purposes of this section.
 - c) **Searchlights:** High-intensity lighting devices oriented outward, such as strobe lights, searchlights, laser lights, or beacons, unless said lights are part of a temporary lighting display as exempted in Subsection 14-03.1-02(2).
 - d) **Use of Mechanical Motion.** A sign that rotates, revolves, pivots, swings, or uses any mechanical motion, with the exception of rotating barber poles.
 - e) **Use of Vegetation.** A sign painted on or affixed to a tree or other organic matter.
 - f) **Use of Live Animal.** A sign that uses a live animal.
 - g) **Use of Pyrotechnics.** A sign that uses open flames, sparks, explosions, or any form of illumination by means other than electricity. This prohibition does not apply to fireworks displays that comply with all local and state requirements.
 - h) **Use of Sound.** A sign that emits any sound through audio speakers or any other device. This includes the use of sound to advertise or draw attention to a business or activity occurring on premise that is clearly audible from a public right-of-way or adjoining property, whether or not the sign includes a visual component.
 - i) **Vehicle Sign.** The use of a parked car, truck, bus, boat, or other vehicle or part thereof as a sign, unless the vehicle containing a sign meets all of the following conditions:
 - i. The vehicle is consistently used in the normal conduct of a business or organization or is utilized as an example of products that are sold on premises.
 - ii. The vehicle is maintained in operable condition and is properly registered with the State of North Dakota Department of Transportation.
 - iii. The vehicle is lawfully parked.

5. **Permitted Signs.** Any sign that is not identified as a permit exempt sign or a prohibited sign by this section shall be considered a permitted sign, and shall require a permit and be subject to all provisions of this chapter, including but not limited to all pole signs, monument signs, wall signs, projecting signs, sidewalk signs, changeable copy signs, and portable signs.
6. **New Sign Types.** It is recognized that, due to changing technology and the desires of businesses in the community, sign types may be proposed that do not clearly meet any definitions of this chapter. Such signs are not necessarily prohibited by this ordinance. The Zoning Administrator is hereby authorized to interpret a proposed new sign type to be substantially similar, in terms of size, shape, duration, and overall visual impact, to a sign type defined in this chapter, including prohibited sign types.

Section 14-03.1-04 **Permitting Procedures**

1. **Permit Required.** No sign or any structure with the sole purpose of supporting a sign may be constructed, installed, displayed, relocated, converted to electronic or reconstructed until the applicable sign permit is issued by the Zoning Administrator, pursuant to Section 04-01-08 of the City Code of Ordinance, unless identified as a permit exempt sign or permit exempt activity in this chapter.
2. **Sign Installation License.** A person may not engage in the business of erecting or placing signs or be entitled to a permit to erect or place any sign under the provisions of this chapter unless licensed to do so by the Zoning Administrator on written application as prescribed.
 - a) **Insurance Required.** A license may not take effect until the licensee files with the Zoning Administrator a copy of the licensee's liability insurance policy in the minimum amount of two hundred and fifty thousand dollars (\$250,000) for each person and five hundred thousand dollars (\$500,000) for each occurrence, which names the City of Bismarck as an additional insured, and insures against any damage or claim resulting from or related to the erection or maintenance of any sign within the City's jurisdiction by the licensee.
 - b) **License Duration.** Licenses are valid for the calendar year within which the license is issued. All licenses expire on December 31 of each year.
3. **Permit Submittal Requirements.** The following items shall be submitted by an applicant to the Zoning Administrator prior to the issuance of any sign permit:
 - a) **Application.** A written application prescribed by the City must be submitted for all signs. The City may prescribe separate applications for different sign types with specific information relevant to each type contained therein. Multiple signs on a single site to be installed within thirty (30) days of each other may be included on a single application, provided sufficient information is provided for all signs included in the application.

- b) **Sign Display.** An elevation or photographic visualization of the proposed sign and surrounding context, with exact dimensions of the area, height, depth, and placement of the sign, must be submitted for all signs, with the exception of portable signs. If any other signs exist within the parcel, they must be shown and dimensioned or described in terms of area.
 - c) **Site Plan.** A site plan showing the dimensions of the sign, the exact location of the sign and any appurtenant features must be submitted for all pole signs, monuments signs, and off-premise advertising signs. This requirement may be waived by the Zoning Administrator if the sign is shown on an approved site plan for the overall development of the site.
 - d) **Street Visualizations.** Street visualizations must be submitted for all new electronic message center signs and off-premise advertising signs, unless waived by the City Engineer. Renderings of the proposed sign superimposed on a photograph of the proposed location, with accurate scale and placement, must be submitted. A separate rendering is required from 100 feet, 300 feet, and 500 feet from each direction of all streets from which the sign would be visible.
 - e) **Operational Narrative.** An operational narrative is required for all electronic message centers and digital off-premise advertising signs. The narrative must outline brightness levels, times of day the sign will be operational, entrance or exit effects that will be utilized, and any other features of the sign that are relevant to administration of this chapter. The operational narrative shall be agreed to and signed by the owner of the sign.
 - f) **Public Safety Verification.** For all new off-premise advertising signs or electronic message center signs, a written verification from the City Engineer and Chief of Police, or their designees, that the public safety provisions of Section 14-03.1-05 have been, or will be met, with the proposed sign is required.
4. **Portable Sign Reporting.** A licensed sign installer may place an unlimited number of portable signs without approval of a permit for each sign placement, subject to the following reporting requirements.
- a) **Monthly Report Required.** Any sign installer with portable signs in use that have not been issued individual reports must provide monthly reports to the Zoning Administrator on a form prescribed by the City containing the following information:
 - i. Name and address of the sign installer.
 - ii. A record of each sign placed for any duration of time within the month, indicating the address, street toward which the sign is oriented, the date the sign was placed, the date the sign was removed, if applicable, and a photograph of the sign in location during each display period.

- iii. Evidence of property owner approval for each sign in use at any time during the month.
 - b) **Individual Option.** In lieu of submitting monthly reports, portable signs may also be permitted individually according to the procedures of this section. A license and insurance is not required for individually-permitted portable signs.
 - c) **License Revocation.** The Zoning Administrator may revoke the license of any sign installer for the remainder of any calendar year upon failure to provide timely and accurate monthly reports, or failure to meet any other requirements of this ordinance.
5. **Permit fees.** All sign permits are subject to a fee, as established in Section 4-02-05 (Building Permit Fees) of the City Code of Ordinances.
 6. **Issuance of Permit.** After a reasonable period of time for review, the Zoning Administrator shall issue a sign permit to any sign that conforms to the provisions of this chapter, as demonstrated in the application submittal as well as any documented communications between the applicant and City staff, which shall be considered part of the application submittal. Non-compliant signs will be issued a denial.
 7. **Inspection.** The Building Inspections Division may inspect any proposed or existing sign at any time to ensure compliance with all requirements of this chapter.
 8. **Revocation of Permit.** The Zoning Administrator may revoke any issued sign permit upon determination that the application contained false or misleading information or an actual sign is substantially different than described in the application and submitted documents.
 9. **Appeals.** Any denial or revocation of a sign permit by the Zoning Administrator, or any enforcement action taken against an existing sign for non-compliance, is subject to an appeal to the Board of City Commissioners following the procedures of Section 14-06-03 (Appeal Procedures) of the City Code of Ordinances.

Section 14-03.1-05 **General Standards**

1. **Application.** The provisions of this section apply to all signs, whether permitted or permit-exempt, in all zoning districts.
2. **Building Code.** All permanent signs must conform to the standards of the International Building Code, Appendix H – Signs in its form most recently adopted through Section 04-02-02 (Adoption of the City of Bismarck Building Code) of the City Code of Ordinances, except that any conflicts between said Appendix H and this chapter shall be interpreted in favor of the most restrictive.
3. **Maintenance of Signs.** All signs, whether permanent or temporary, shall be kept in a state of good repair and operation at all times. The Zoning Administrator may

issue a notice and order to any owner of property containing a sign out of compliance with the provisions of this chapter to maintain or remove said sign. A sign shall be considered in disrepair if it exhibits one or more of the following conditions:

- a) A business or organization that has vacated the property on which the sign is located, or any freestanding supporting structure without a sign face. A sign or supporting structure shall be considered abandoned and in violation of this section six (6) months after the occurrence of either event.
- b) Structural supports are deemed to be unstable due to deterioration or previous damage.
- c) Panels, sections, or lettering of the sign face are missing or significantly damaged or faded.
- d) Bulbs are burned out or electronic elements of a sign are malfunctioning such that the intended display of the sign is compromised.
- e) Paint, coating, or other cosmetic materials of the sign are peeling or no longer present in their original form.
- f) The face of a sign is obstructed from public view by growth of vegetation on private property or any other visual obstruction.
- g) The condition of a sign has changed in any way that creates a public safety hazard.

4. **Illumination of Signs.** The illumination of all signs, including electronic message centers and digital off-premise advertising signs, is subject to the following requirements:

- ~~a) Internally-illuminated signs may not exceed a maximum illumination level of 0.3 foot-candles above ambient light levels.~~
- a) Externally-illuminated signs shall direct illumination toward the sign or downward so as to minimize the amount of glare or light trespass across property lines.
- b) Internally-illuminated signs shall not exceed a brightness level that creates a safety hazard for drivers on adjacent roadways or a nuisance for any nearby residential uses, as determined by the Zoning administrator.
- c) High-intensity lighting devices oriented outward, such as laser lights, strobe lights, searchlights, and beacons, are not permitted.
- d) Lighting for any signs, with the exception of electronic message centers or digital off-premise advertising signs, may not alternate between fully illuminated and fully non-illuminated in a flashing ~~or fading~~ manner. However, lighting of internally illuminated signs may gradually transition between colors in a fading, but not flashing manner, as determined by the Zoning Administrator.

~~d) with a fade time of at least ten (10) seconds between primary colors, or the equivalent.~~

e) Illumination of temporary and portable signs is not permitted, as further stated in Sections 14-03.1-03(2) and 14-03.1-08(5) of this chapter.

5. **Restrictions on Placement.** In all zoning districts, the placement or installation of all signs is further restricted in the following areas:

a) **Public Right-of-Way.** No sign, or any part thereof, may be located within or above a public right-of-way, either temporarily or permanently, unless an encroachment agreement is approved in accordance with Title 02-01-04 of the City Code of Ordinances or as permitted in Section 14-03.1-09(11) (Sidewalk Signs). The City Engineer is authorized to approve encroachment agreements for signs extending above a public right-of-way.

b) **Sight Triangles.** Any sign in a sight triangle, as defined in Section 14-02-03 (Definitions) of the City Code of Ordinances, is subject to the following additional standards:

- i. No freestanding sign may visually obstruct the vertical space between three (3) feet and ten (10) feet above grade, with the exception of a pole or base with a diameter or longest horizontal cross-section of eight (8) inches or less. No sign face or other supporting structures may be located within said vertical space.
- ii. No wall signs or projecting signs shall be permitted, except where exempted in the downtown zoning districts.

c) **Property Lines.** No part of any sign, or necessary supports of a sign, may project across or over any property line.

d) **Easements.** With the exception of portable signs, yard signs, site signs, and other signs of a temporary nature, no sign may be placed within or above any utility, access, stormwater and drainage, or any other easement encumbering use of the land, unless this provision is waived in writing by the City Engineer and/or all owners with rights to the easement.

e) **Means of Egress.** No sign may be placed or installed in such a way that obstructs any means of egress from windows or doors required by building or fire code.

6. **Restrictions on Content.** All provisions of this chapter apply irrespective to the content or message of any sign, and no greater preference is conferred to commercial over non-commercial signs, except that the following content, without reference to the viewpoint of the speaker, shall not be displayed on any sign:

a) Text or images that may be reasonably confused with traffic control or public safety devices, including any sign that contains the words “stop,” “caution,” “danger,” or similar words hereby reserved for public safety.

- b) Text or images that are obscene from the point of view of a typical person applying current standards of the community to the whole content of the sign; describe sexual or excretory functions, as defined by state law; and, taken as a whole, lack serious literary, artistic, political, or scientific value.
 - c) Text or images that are unlawful by local, state or federal law, including but not limited to slander, defamation, incitement to imminent lawless action, and true threats.
7. **Protection of Public Safety.** A sign shall not resemble or interfere, to any degree, with the effectiveness of a traffic control device, sign or signal; shall not be placed beside or behind a traffic control device in a location or at a height that makes a motorist's view of a traffic control device indistinguishable from the sign; shall not obstruct or interfere with a motorist's view of approaching, merging or intersecting traffic within the operational area of an intersection; and shall not have distracting flashing or moving lights so designed or lighted as to create a traffic hazard.
8. **Standards of Structure Not Applicable.** Freestanding signs shall not be considered a structure and subject to dimensional requirements, such as setbacks and heights, applied to structures within Chapter 14-04 (District Regulations) of this Title. All dimensional standards for freestanding signs within this chapter shall take precedence.
- ~~8.9.~~ **Off-Premise Content on Signs of Public Interest.** Notwithstanding all other provisions of this chapter, permanent on-premise signs or temporary banners used by public or non-profit entities or used for community-wide events may include off-premise content, such as sponsorships, provided said content comprises no more than twenty (20) percent of the total area of the sign face.

Section 14-03.1-06 **Agricultural Zoning District Standards**

1. **Purpose.** The standards for signs in this section are intended to preserve the agricultural nature of this district and discourage any uses with direct commercial sales or services requiring signage.
2. **Application.** No signs are permitted in the A – Agricultural zoning district, with the exception of:
 - a) Portable signs, subject to all requirements of Section 14-03.1-08(5) applicable to commercial zoning districts.
 - b) Any signs exempt under Section 14-03.1-03 of this ordinance.

Section 14-03.1-07 **Residential Zoning District Standards**

1. **Purpose.** The standards for signs in this section are intended to preserve the residential character of neighborhoods while allowing uses within this district the

reasonable ability to identify themselves and promote activities occurring on premises.

2. **Application.** In addition to general standards of this chapter, the provisions of this section apply only to permitted signs within residential zoning districts, as defined in this chapter. Certain street frontages in the P – Public zoning district are considered to be within a residential zoning district.
3. **Prohibited Signs.** In addition to signs prohibited in Section 14-03.1-30 (Scope of Sign Provisions), the following signs are prohibited in residential zoning districts:
 - a) Off-premise advertising signs, ~~except when ancillary off-premise content, such as sponsorships, occupy no more than ten (10) percent of all sign area on the property.~~
 - b) Portable signs.
4. **Identification of Residential Areas.** Signs used for the purpose of identifying residential subdivisions, multifamily complexes, or manufactured home parks are permitted, subject to the following standards:
 - a) **Number.** No more than two (2) signs shall be permitted for each entrance to a residential subdivision, or for each multifamily complex, or manufactured home park. For the purposes of this section, residential subdivisions shall include all phases of staged developments that share a common name or identity.
 - b) **Monument Sign Permitted.** Only monument signs may be used to identify residential areas.
 - c) **Entrances.** The sign may only be located at an entrance to a residential subdivision, multifamily residential complex or manufactured home park.
 - d) **Sign Dimensions.** The total area of the sign face shall not exceed sixty (60) square feet, and the sign may not exceed eight (8) feet in height.
 - e) **Sign Materials.** The base, supports, and face of the sign shall be constructed of durable, weather-resistant materials.
 - f) **Landscaping.** All monument signs shall be provided with landscaping around the base of the sign.
 - g) **Dimensional Lettering.** The sign must be dimensional in nature, utilizing letters, numerals, and/or imagery that are either raised or engraved relative to the plane of sign face.
 - h) **Maintenance Responsibility.** Ongoing responsibility for maintenance and upkeep of the sign shall be assigned to a private entity with sufficient rights and capacity to complete said duties. The Zoning Administrator reserves the right to request any documents of an association and to make a determination regarding its ability to comply.

5. **Signs for Non-Residential Uses.** On-premise advertising signs are permitted in residential zoning districts on properties with non-residential uses, other than home occupations, such as schools and religious institutions, subject to the following standards.
- a) **Area of Signs.** The total allowable sign area in residential zoning districts shall be as follows:
 - i. **Primary Street Frontage.** The total allowable sign area on a primary street frontage is one-half ($\frac{1}{2}$) square foot of sign area for every one (1) linear foot of street frontage.
 - ii. **Secondary Street Frontage.** The total allowable sign area on a secondary street frontage is one-quarter ($\frac{1}{4}$) square foot of sign area for every one (1) linear foot of street frontage.
 - iii. **Small Lot Exception.** A wall sign of up to 20 square feet may be permitted on any street frontage, notwithstanding requirements of this section.
 - b) **Freestanding Signs.** Freestanding signs shall be subject to the following provisions:
 - i. **Number.** One (1) freestanding sign may be permitted per street frontage, up to a maximum of two (2) signs on any parcel.
 - ii. **Height of Sign.** The overall height of a freestanding sign shall not exceed twenty (20) feet.
 - iii. **Setback of Sign.** All parts of a pole sign shall be setback from the front property line a distance at least the height of the sign. A monument sign shall not be subject to any setback additional to what may be required in Section 14-03.1-05.
 - iv. **Landscaping.** All monument signs shall be provided with landscaping around the base of the sign.
 - v. **Clearance.** Pole signs that are greater than three (3) feet in height shall have a clearance of at least eight (8) feet, except where required to be greater within a sight triangle.
 - c) **Wall Signs.** Wall signs shall be subject to the following provisions:
 - i. **Number.** One (1) wall sign may be permitted per street frontage, up to a maximum of four (4) signs on any parcel, subject to the following standards:
 - ii. **Principal Building.** Signs may only be affixed to the principal building on the property, and may not be affixed to any accessory buildings.
 - iii. **Placement of Sign.** The face of a wall sign shall be parallel to the plane of the wall it is mounted on and shall not project above or beyond the wall it is mounted on.

- iv. **Dimensional Lettering.** Wall signs must be dimensional in nature, utilizing letters, numerals, and/or imagery that are either raised or engraved from the plane of the sign face.
- d) **Electronic Message Center Signs.** The following provisions apply to electronic message center signs within residential zoning districts or within one-hundred and fifty (150) feet of a residential zoning district, as measured from any part of the sign to the nearest property line within any residential zoning district:
- i. **Special Use Permit.** A special use permit shall be required, subject to all procedures of Section 14-03-08 (Special Uses) of the City Code of Ordinances.
 - ii. **Sign Type.** Electronic message center signs may only be incorporated into on-premise pole signs, monument signs, or wall signs. Electronic message center signs shall not be located on projecting signs, portable signs, or any other temporary signs, with the exception of demonstrations allowed by Section 14-03.1-03(3). No off-premise advertising may occur on electronic message center signs.
 - iii. **Number of Signs.** Only one (1) electronic message center sign shall be allowed per parcel.
 - iv. **Area of Signs.** the electronic message center portion of a sign shall not exceed thirty-two (32) square feet in area.
 - v. **Proportion of Sign.** Electronic message centers may only be included on pole signs that also contain static content. The electronic portion of the sign may not exceed fifty (50) percent of the entire sign area, and must be entirely below the static portion of the sign. Electronic Message Center signs used as wall signs are exempt from this requirement.
 - vi. **Operational Requirements.** Electronic message center signs shall be subject to the following operational requirements:
 - a) **Brightness.** The sign shall not exceed a maximum illumination level of 0.3 foot-candles above ambient light levels.
 - a)b) **Frame Hold Time.** The sign shall have a frame hold time of no less than ~~fifteen-three~~ (153) seconds between 7:00 a.m. and 9:00 p.m. The sign shall hold on a constant frame or be turned off between 9:00 p.m. and 7:00 a.m.
 - b)c) **Effects.** The sign shall be limited to instantaneous or continuous fading transitions from one static frame to another static frame without the use of any frame entrance, exit or hold effects or the use of any animation or background animation.

c)d) **Video.** The use of streaming video or full-motion video on any electronic message center sign is prohibited.

vii. **Sign Features.** Electronic message center signs shall be equipped with the following features:

- a) A default mechanism that shall freeze the sign in one position as a static message if a malfunction occurs; and
- b) A mechanism able to automatically adjust the illuminative brightness of the display according to ambient light conditions by means of a light detector/photocell.

6. **Portable Signs.** In addition to general standards of Section 14-03.1-05, the following provisions apply to all portable signs in residential zoning districts:

- a) A special use permit is obtained from the City of Bismarck Planning and Zoning Commission, subject to all requirements of Section 14-03-08, to verify that the placement and design of proposed portable sign(s) does not have a negative impact on the surrounding neighborhood. The term of any special use permit may not exceed ~~one-two~~ (+2) years.
- b) All requirements pertaining to portable signs in commercial zoning districts in Section 14-03.1-08(5) are met.

Section 14-03.1-08 Commercial Zoning District Standards

1. **Purpose.** The standards for signs in this section are intended to afford the greatest degree of flexibility for signs in areas with commercial or industrial activity while still adhering to the other purpose of this chapter.
2. **Application.** In addition to general standards of this chapter, the provisions of this section apply only to permitted signs within commercial zoning districts or industrial zoning districts, as defined in this chapter.
3. **On-Premise Advertising Signs.** In addition to general standards of Section 14-03.1-05, the following provisions apply to all on-premise advertising signs, excluding portable signs.

a) **Freestanding Signs.** Freestanding signs, including pole signs and monument signs, are permitted according to the following provisions:

- i. **Number:** Pole signs shall be limited to one (1) pole sign per street frontage per parcel, and monument signs shall be limited to one (1) monument sign per street frontage per parcel. ~~Notwithstanding, one (1) additional freestanding sign of an area of six (6) square feet or less and a height of three (3) feet or less may be allowed per street frontage.~~ Multiple businesses operating on-premises may be advertised on any single sign.

- ii. **Area.** There is no maximum allowable sign area within commercial zoning districts.
- iii. **Setback.** Freestanding signs are not subject to any setback additional to what may be required in Section 14-03.1-05.
- iv. **Height.** The following height requirements shall apply, based on the zoning district within which the sign is located:
 - a) In the CA – Commercial, HM – Health and Medical, and RT – Residential zoning districts, freestanding signs shall not exceed ~~twenty-five (25)~~ thirty (30) feet in height.
 - b) In the CG – Commercial, MA – Industrial, and MB – Industrial zoning districts, freestanding signs shall not exceed fifty (50) feet in height.
- v. **Interstate-Oriented Freestanding Sign.** Notwithstanding the requirements of this section, a freestanding sign may be installed at a height of no greater than eight (80) feet, subject to the following additional standards:
 - a) A special use permit is obtained from the City of Bismarck Planning and Zoning Commission, subject to all requirements of Section 14-03-08.
 - b) The sign is oriented toward and within six hundred and sixty (660) feet of an Interstate.
 - c) All permitting requirements of Section 14-03.1-04 of this chapter that are applicable to off-premise advertising signs are submitted, including street visualizations and verification of public safety.
 - d) The sign does not contain an electronic message center displayed above fifty (50) feet in height.
- vi. **Clearance.** Pole signs that are greater than three (3) feet in height shall have a clearance of at least eight (8) feet, except where required to be greater within a sight triangle.
- b) **Wall Signs.** Wall signs are permitted in commercial zoning districts and industrial zoning districts according to the following provisions:
 - i. **Number:** There is no limit to the number of wall signs on a parcel in commercial zoning districts or industrial zoning districts.
 - ii. **Area.** There is no maximum allowable wall sign area in commercial zoning districts or industrial zoning districts.
 - iii. **Setback** There are no setbacks required for wall signs in commercial zoning districts or industrial zoning districts.

- iv. **Height.** There are no height limits for wall signs in commercial zoning districts or industrial zoning districts.
 - v. **Principal Building.** Wall signs may only be affixed to a principal building on the property, and may not be affixed to any accessory buildings.
 - vi. **Placement of Sign.** The face of a wall sign shall be parallel to the plane of the wall it is mounted on and shall not project above or beyond the wall it is mounted on.
- c) **Projecting Signs.** Projecting signs are permitted in commercial zoning districts and industrial zoning districts according to the following provisions. For the purposes of this section, projecting signs include signs that are attached to or displayed on an awning:
- i. **Number:** There is no limit to the number of projecting signs on a parcel in commercial zoning districts or industrial zoning districts.
 - ii. **Area.** There is no maximum allowable projecting sign area in commercial zoning districts or industrial zoning districts.
 - iii. **Setback** There are no setbacks required for projecting signs in commercial zoning districts or industrial zoning districts. Projecting signs may extend into a required setback and are not considered part of a structure for the purpose of determining setbacks.
 - iv. **Height.** There are no height limits for projecting signs in commercial zoning districts or industrial zoning districts.
 - v. **Extension.** A sign may not project from the face of any building or structure a distance of more than six (6) feet.
 - vi. **Clearance.** Projecting signs shall have a clearance of at least eight (8) feet, except where required to be greater within a sight triangle. A projecting sign may not extend above a driving, loading or parking lane or area.
- d) **Electronic Message Center Signs.** The following provisions apply to electronic message center signs within commercial zoning districts or industrial zoning districts, with the exception of electronic message center signs located within one hundred and fifty (150) feet of any residential zoning district, as measured from any part of the sign to the nearest property line within any residential zoning district, which are subject to residential requirements for electronic message center signs in Section 14-03.1-07(5)d.
- i. **Sign Type.** Electronic message center signs may only be incorporated into on-premise pole signs, monument signs, or wall signs. Electronic message center signs shall not be located on projecting signs, portable signs, or any other temporary signs, with the exception of demonstrations allowed by Section 14-03.1-03(3). No off-premise

advertising may occur on electronic message center signs. Digital off-premise advertising signs are defined independently and subject to requirements of Section 14-03.1-08(4).

- ii. **Number of Signs.** No more than one (1) electronic message center sign shall be allowed per street frontage per parcel.
- iii. **Area of Sign.** The electronic message center sign portion of any sign shall not exceed the area specified in the table below, which is based on the zoning district in which the sign is located and the functional classification of the roadway toward which the sign is oriented.

Functional Class of Road	Zoning District				
	MA or MB Industrial	CG Commercial	CA Commercial	HM Health Medical	RT Residential
Interstate	100 SF	100 SF	72 SF	N/A	48 SF
Principal Arterial	100 SF	100 SF	72 SF	32 SF	32 SF
Minor Arterial	72 SF	72 SF	48 SF	32 SF	32 SF
Collector	48 SF	48 SF	32 SF	32 SF	32 SF
Local	32 SF	32 SF	32 SF	32 SF	32 SF

- iv. **Proportion of Sign.** Electronic message center signs may only be included on pole signs that also contain static content. The electronic portion of the sign may not exceed fifty (50) of the entire sign area, and must be entirely below the static portion of the sign. Electronic message center signs used as wall signs are exempt from this requirement.
- v. **Operational Requirements.** Electronic message center signs shall be subject to the following operational requirements:
 - a) **Brightness.** The sign shall not exceed a maximum illumination level of 0.3 foot-candles above ambient light levels.
 - a) **Frame Hold Time.** The sign shall have a frame hold time of no less than one (1) second. The use of animation and background animation is allowed and is not subject to the one (1) second frame hold time requirement.
 - b) **Effects.** Special effects may be used to transition from one frame to another, provided said entrance effects result in all of the text within the frame appearing at once or in the order that the text is normally read, including, but not limited to, scrolling from right to left or scrolling from bottom to top entrance effects. Entrance effects where all of the text within the frame does not appear at once or in the order that the text is normally read are prohibited, including, but not limited to, scrolling from left to right, scrolling

from top to bottom, and entrance effects referred to as slot machine, slots, splice, mesh, radar, kaleidoscope and spin. There are no limitations on the types of exit effects used. Except for such transitions, each frame shall remain static with no additional frame or hold effects applied to text within the frame, including, but not limited to, the fading or flashing on any part of the message and hold effects referred to as flash, spin, twinkle, wavy and rumble. The use of bijou lights as a frame effect is allowed.

c) **Video.** The use of full-motion video is prohibited.

vi. **Sign Features.** Electronic message center signs shall be equipped with the following features:

- a) A default mechanism that shall freeze the sign in one position as a static message if a malfunction occurs; and
- b) A mechanism able to automatically adjust the illuminative brightness of the display according to ambient light conditions by means of a light detector/photocell.

4. **Off-Premise Advertising Signs.** In addition to general standards of Section 14-03.1-05, the following provisions shall apply specifically to all off-premise advertising signs:

- a) **Zoning Districts Permitted.** Off-premise advertising signs are only permitted in any CG - Commercial, MA - Industrial, or MB - Industrial zoning district. Off-premise advertising signs are prohibited in the CA – Commercial, RT – Residential, and HM – Health Medical zoning districts.
- b) **State Approval Required.** The sign meets provisions outlined in Chapter 24-17 of the North Dakota Century Code (NDCC) and a permit has been issued by the North Dakota Department of Transportation, where required.
- c) **Front Yard Setback.** Off-premise advertising signs shall not be subject to front yard setback requirements for each zoning district, but the entirety of the sign shall be set back at least fifteen (15) feet from any property line fronting a street, except that off-premise advertising signs oriented toward Interstate 94 (not business loop) are exempted from this front yard setback requirement.
- d) **Roadway Functional Class.** Off-premise advertising signs may only be located adjacent to a minor or principal arterial roadway. If the right-of-way of an arterial roadway includes a local or frontage roadway, the sign may be adjacent to said local or frontage roadway.
- e) **Sign Area.** Each sign face may not exceed three hundred (300) square feet in area, sixteen (16) feet in height or thirty (30) feet in width, with the exception of off-premise advertising signs oriented toward Interstate 94 (not business loop) or Bismarck Expressway east of the intersection with Airport Road, which may not exceed six hundred and seventy-two (672) square feet in area, sixteen (16) feet in height or fifty (50) feet in width. In addition, no off-

premise advertising sign face may be less than two hundred (200) square feet in area.

- f) **Extensions to Signs.** A non-digital off-premise advertising sign may have up to an additional twenty percent (20%) of the sign face area on the perimeter of the sign face for extension elements. All sign extension space shall be of the same material as the sign face.
- g) **Number of Faces.** The sign shall have no more than two (2) faces.
- h) **Height of Signs.** The sign shall not exceed fifty (50) feet in height, and the sign face shall have a clearance of at least ten (10) feet.
- i) **Spacing.** Any and all parts of the sign, whether static or digital, shall be located at least three hundred (300) feet from any part of an existing or approved off-premise advertising sign, whether static or digital; at least two hundred (200) feet from the center point of any intersection of an arterial and an arterial and/or collector roadway; and at least five hundred (500) feet from the nearest right-of-way of an interstate interchange. In addition, all parts of a digital off-premise advertising sign shall be located at least twelve hundred (1,200) feet from any part of an existing or approved digital off-premise advertising sign. Distance is measured as the linear distance along the centerline of the roadway toward which the sign is oriented. The distance shall be measured between any two signs on the same or opposite sides of this roadway.
- j) **Residential Setback.** The sign shall be located at least three hundred (300) feet from any residential zoning district, as measured from any part of the sign to the nearest property line within any residential zoning district.
- k) **No Obstruction of View.** The sign shall not obstruct any other existing sign, either off-premise or on-premise.
- l) **Digital Signs.** Digital off-premise advertising signs shall meet the following additional standards:
 - i. The sign shall have a frame hold time of no less than seven (7) seconds and must transition instantaneously from one static image to another static image without any special effects. The use of streaming video, full-motion video, animation or frame effects is prohibited.
 - ii. The sign shall have a default mechanism that shall freeze the sign in one position as a static message if a malfunction occurs; and
 - iii. The sign shall have a mechanism able to automatically adjust the illuminative brightness of the display according to ambient light conditions by means of a light detector/photocell.
 - iii.iv. The sign shall not exceed a maximum illumination level of 0.3 foot-candles above ambient light levels.

- m) **Conversion of Type.** A separate sign permit shall be required for the conversion of any existing non-digital off-premise advertising sign to a digital off-premise advertising sign. An existing non-conforming sign must meet all requirements outlined in this chapter prior to approval of a sign permit.
5. **Portable Signs.** In addition to general standards of Section 14-03.1-05, the following provisions apply to all portable signs in commercial zoning districts or industrial zoning districts:

- a) **On-Premise.** Portable signs may only be used as on-premise signs, unless a portable sign is used to inform or promote a community-wide event as defined in this chapter.
- b) **Spacing.** Portable signs shall be placed with a minimum spacing of one hundred (100) feet between portable signs on a parcel.
- c) **Dimensions.** Portable sign faces shall not exceed sixty (60) square feet in area, and the sign, including all supporting structures, shall not exceed eight (8) feet in height. Lettering may not extend beyond the face of the sign.
- d) **Duration.** [Three options presented for Planning and Zoning Commission consideration]

Option A:

“Portable signs may only be displayed at any location for a period of up to thirty (30) days, after which no portable sign may be displayed at said location for an additional fifteen (15) days. For the purposes of this section, a location shall be defined as a street frontage of a parcel or portion thereof within which a sign may be legally placed and meet all spacing requirements.”

Option B:

“Portable signs may only be displayed at any location for two hundred and forty (240) days within any calendar year. Each location must be vacated of all portable signs for the remaining one-hundred and twenty-five (125) days of each calendar year. For the purposes of this section, a location shall be defined as a street frontage of a parcel or portion thereof within which a sign may be legally placed and meet all spacing”

Option C:

“Portable signs may not be placed in any location permanently.”

- e) **Electricity.** Portable signs may not be wired to received electricity, produce electricity, or contain any batteries.
- f) **Parking.** Portable signs shall not obstruct a parking space required to meet the provisions of Section 14-03-10 (Off-Street Parking and Loading) of the City Code of Ordinances.

- g) **Identification.** The name and telephone number of the owner of any portable sign must be clearly displayed while in use.

Section 14-03.1-09 **Downtown Zoning District Standards**

1. **Purpose.** The standards for signs in this section are intended to encourage signs that are scaled and oriented predominantly toward pedestrians, complementary to the existing context of the downtown streetscape, and aligned with the goals and objectives of the Downtown Design Guidelines.
2. **Application.** In addition to general standards of this chapter, the provisions of this section apply only to permitted signs within downtown zoning districts, as defined in this chapter.
3. **Prohibited Signs.** In addition to signs prohibited in Section 14-03.1-30(4), the following signs are prohibited in downtown zoning districts:
 - a) Off-premise advertising signs, ~~except when ancillary off-premise content, such as sponsorships, occupy no more than ten (10) percent of all sign area on the property.~~
 - b) Electronic message center signs.
 - c) Portable signs, excluding sidewalk signs.
 - d) Feather flag signs.
 - e) Air-blown signs.
4. **Area of Sign.** The total allowable sign area for on-premise advertising signs shall be as follows:
 - a) **Downtown Core.** In the DC - Downtown Core zoning district, the following measurements apply:
 - i. **Primary Street Frontage.** The total allowable sign area on a primary street building frontage is two and a half (2 ½) square feet of sign area for every one (1) linear foot of street frontage.
 - ii. **Secondary Street Frontage.** The total allowable sign area on a secondary street building frontage is (1) square foot of sign area for every one (1) linear foot of street frontage.
 - b) **Downtown Fringe.** In the DF - Downtown Fringe zoning district, the following measurements apply:
 - i. **Primary Street Frontage.** The total allowable sign area on a primary street building frontage is one (1) square foot of sign area for every one (1) linear foot of street frontage.
 - ii. **Secondary Street Frontage.** The total allowable sign area on a

secondary street building frontage is one-half (1/2) square foot of sign area for every one (1) linear foot of street frontage.

5. **Dimensional Lettering.** All signs in downtown zoning districts, except as herein exempted, including wall signs, projecting signs, pole signs, and monument signs are required to be dimensional, utilizing raised letters, numerals, and/or imagery.
- a) **Relief of Lettering.** Lettering greater than six (6) inches in height must protrude at least one (1) inch from the base surface of the sign. Lettering greater than three (3) inches in height must likewise protrude at least one-half (1/2) inch, and lettering three (3) inches or less in height or supplemental lettering or imagery with narrow text or lines may be installed flush to the surface of the sign face.
 - b) **Exemptions.** The following types of permitted signs are exempt from dimensional lettering requirements:
 - i. Signs that are internally illuminated.
 - ii. Signs painted on the wall of a building.
 - iii. Sidewalk signs.
 - iv. Signs on an awning of light material that is not suitable for supporting dimensional lettering.
 - v. All permit exempt signs.
6. **Wall Signs.** Wall signs are permitted in downtown zoning districts according to the following provisions:
- a) The face of a wall sign shall be parallel to the plane of the wall it is mounted on and shall not project above or beyond the wall it is mounted on.
 - b) All signs placed against exterior walls of buildings and structures may not protrude more than twelve (12) inches from a wall's surface.
 - c) Signs painted directly on exterior walls or surfaces of a building are allowed, provided such signs are not located on the front façade of the building and the building is not an historic structure, as defined in this Title.
7. **Awning Signs.** Signs placed on or attached to an awning are permitted in downtown zoning districts according to the following provisions:
- a) No awning may extend into the sidewalk further than two (2) feet from the back of the street curb.
 - b) Any awning shall generally be located within a window and/or door recess.
 - c) The shape, color, and material of any awning shall complement the overall architectural design of the building and conform to the Downtown Design Guidelines.

- d) A sign may be attached beneath an awning, provided sufficient structural support for the weight of the sign existing and the sign does not extend more than one (1) foot below the lowest point of the awning.
 - e) All signs attached to or hanging below canopies must maintain a clearance at least eight (8) feet must be provided below all parts of the sign.
 - f) Signs on sloped canopies shall be encouraged to be placed on the vertical band or the valance of the awning and shall be discouraged on the sloped portion.
8. **Projecting Signs.** Projecting signs are permitted in downtown zoning districts according to the following provisions:
- a) A sign may not project from the face of any building or structure a distance of more than four (4) feet.
 - b) Projecting signs shall have a clearance of at least eight (8) feet, and no part of any projecting sign may be above the sill of any second floor window of the building or the parapet of the roof of the building.
 - c) A projecting sign may not be permitted in an alley, unless the primary public access to the business or firm is obtained from the alley.
9. **Monument Signs.** Monument signs are permitted in downtown zoning districts according to the following provisions:
- a) A monument sign or any part thereof may not exceed eight (8) feet in height, recognizing that a lower maximum height is required in sight triangles
 - b) Monument signs shall be constructed of brick, stone, or a similar durable material complementary to the building material.
 - c) No more than one (1) monument sign may be installed per street frontage on any lot or parcel. Parcels with multiple street frontages are permitted an additional monument sign for each additional frontage.
10. **Pole signs.** Pole signs are permitted in downtown zoning districts according to the following provisions:
- a) A pole sign may not be more than twenty (20) feet in height.
 - b) Pole signs of greater than three (3) feet in height shall have a clearance of at least eight (8) feet, except where a greater clearance is required in sight triangles.
 - c) No more than one (1) pole sign may be installed on any parcel.
~~Notwithstanding, one (1) additional pole sign of an area of six (6) square feet or less and a height of three (3) feet or less may be allowed per street frontage.~~

- d) The visible supports of any pole sign shall be enclosed or covered with a decorative sheathing.

11. Sidewalk Signs: Sidewalk signs are permitted in downtown districts within the public right-of-way according to the following provisions:

- a) One (1) sidewalk sign is allowed per business or organization occupying an adjoining property.
- b) All sidewalk signs must be portable and may not be affixed to the ground or any streetscape elements, such as signs or trees.
- c) The maximum width of a sidewalk sign shall be two (2) feet, six (6) inches and the maximum height shall be four (4) feet.
- d) A sidewalk sign shall be placed only where a minimum width of four (4) continuous feet for pedestrian movements and all requirements of the Americans with Disabilities Act can be maintained.
- e) Sidewalk signs may be placed on the sidewalk only during hours of operation and must be removed during non-business hours.
- f) Sidewalk signs shall not be illuminated.
- g) Sidewalk signs may not be placed in a location that creates a safety hazard by limiting visibility for pedestrians or motorists or obstructing any building ingress or egress.
- h) Streamers, flags, or banners shall not be attached to any sidewalk sign or use the sign as an anchor.

12. Downtown Design Review. All signs in the downtown districts shall be subject to the City's downtown design review procedures in accordance with the provisions of Sections 14-04-21.1(4) (DC - Downtown Core Zoning District) and 14-04-21.2(4) (DF – Downtown Fringe Zoning District) of the City Code of Ordinances.

- a) The Downtown Design Review Committee may delegate design review of any application for a sign permit or permit-exempt sign to the Building Official.
- b) The Downtown Design Review Committee may waive any provision of this section, or impose additional requirements, as a condition of any design approval, for reasons including aligning with surrounding context, preserving historic integrity, allowing unique and creative expression, or any other objective of the Downtown Design Guidelines. Any such waiver shall be recorded in the minutes of the meeting and enforced by the Building Inspections Division.
- i) An applicant may appeal a decision of the Downtown Design Review Committee in a similar manner to any appeal of an advisory board.
- c)

Section 14-03.1-10 **Non-Conforming Signs**

1. **Application.** Any existing permanent sign that does not currently conform to a provision or provisions of this ordinance, and did conform to all applicable regulations at the time of said sign's installation or most recent alteration, relocation, or reconstruction shall be considered a non-conforming sign. Portable or temporary signs may not be considered non-conforming.
2. **Continuation.** A non-conforming sign may continue to exist in its vested form, place, and operation and shall not be considered in violation of this ordinance, unless rendered in violation on the basis of this section.
3. **Maintenance and Change of Message.** Activities that are permit-exempt under Section 14-03.1-03 or any change of message content may be performed on a non-conforming sign only if the activity does not increase the extent to which the sign does not comply with ordinance requirements.
4. **Technological Upgrades.** Any electronic elements of a non-conforming electronic message center or digital off-premise advertising sign may be replaced or upgraded, provided the overall dimensions, orientation, and location of the screen is not altered and the operation of the sign is in compliance with all provisions of this ordinance.
5. **Relocation.** A non-conforming sign may not be relocated or reoriented, unless the sign in its new location or orientation complies with all provisions of this ordinance. Temporary removal and replacement of a sign for repair purposes shall not be considered relocation.
6. **Alteration.** A non-conforming sign may not be enlarged or altered, except as allowed by this section. Electronic components or illumination may not be added to a non-conforming sign where none previously existed.
7. **Reconstruction.** A damaged non-conforming sign may be rebuilt or reconstructed to resemble its previous condition only if the following conditions are met:
 - a) The cost of reconstruction does not exceed fifty (50) percent of the replacement cost of the sign at the time of damage.
 - b) The reconstructed sign is not enlarged or altered such that the sign is non-compliant with the provisions of the ordinance to a greater extent than the sign was prior to damage.

BISMARCK PLANNING & ZONING COMMISSION
MEETING MINUTES
January 22, 2020

The Bismarck Planning & Zoning Commission met on January 22, 2020, at 5:00 p.m. in the Tom Baker Meeting Room in the City-County Office Building, 221 North 5th Street. Chair Schwartz presided.

Commissioners present were Tom Atkinson, Steve Bakken, Brian Bitner, Vernon Laning, Paul Levchak, Gabe Schell, Wendy Van Duyne, Trent Wangen and Mike Schwartz.

Commissioners Brian Eiseman and Kevin Martin were absent.

Staff members present were Ben Ehreth – Community Development Director, Kim Lee – Planning Manager, Daniel Nairn – Planner, Will Hutchings – Planner, Jenny Wollmuth, Hilary Balzum – Community Development Administrative Assistant and Janelle Combs – City Attorney.

INTRODUCTION OF NEW COMMISSIONER

Chair Schwartz introduced new Planning and Zoning Commissioner Trent Wangen.

Commissioner Wangen said he has always held an interest in the Planning and Zoning Commission and has followed the meetings in the past. He said he has been a Burleigh County Sheriff for many and he is happy to participate and learn new things.

MINUTES

Chair Schwartz called for consideration of the minutes of the December 18, 2019 meeting.

MOTION: Commissioner Bakken made a motion to approve the minutes of the December 18, 2019 meeting, as presented. Commissioner Levchak seconded the motion and it was unanimously approved with Commissioners Atkinson, Bakken, Bitner, Laning, Levchak, Schell, Van Duyne, Wangen and Schwartz voting in favor of the motion.

CONSIDERATION

- A. ELK RIDGE SECOND ADDITION – ZONING CHANGE, FRINGE AREA ROAD MASTER PLAN AMENDMENT AND PRELIMINARY PLAT**
- B. LOTS 1-3, BLOCK 3, EDGEWOOD VILLAGE 7TH ADDITION – ZONING CHANGE**

Chair Schwartz called for consideration of the following consent agenda items:

A. Elk Ridge Second Addition – Zoning Change, Fringe Area Road Master Plan Amendment and Preliminary Plat

~~C.B.~~ Lots 1-3, Block 3, Edgewood Village 7th Addition – Zoning Change

MOTION: Based on the findings contained in the staff report, Commissioner Levchak made a motion to approve consent agenda items As and B, granting tentative approval and calling for public hearings on the items as recommended by staff. Commissioner Bakken seconded the motion and it was unanimously approved with Commissioners Atkinson, Bakken, Eiseman, Laning, Levchak, Schell, Van Duyne, Wangen and Schwartz voting in favor of the motion.

**FINAL CONSIDERATION – ANNEXATION
LOTS 16 AND 17, BLOCK 1 AND LOT 1, BLOCK 4, CLEAR SKY ADDITION**

Chair Schwartz called for final consideration of the annexation of Lots 16 and 17, Block 1 and Lot 1, Block 4, Clear Sky Addition. The property is located in southeast Bismarck, east of 52nd Street SE along the north and south side of Hendrickson Drive, east of Hermanson Drive.

Ms. Wollmuth gave an overview of the request, including the following findings related to land use for the annexation:

1. The City of Bismarck and/or other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the annexation at the time the property is developed.
2. The proposed annexation is a logical and contiguous extension of the current corporate limits of the City of Bismarck.
3. The proposed annexation is consistent with the general intent and purpose of the zoning ordinance.
4. The proposed annexation is consistent with the master plan, other adopted plans, policies and accepted planning practice.
5. The proposed annexation would not adversely affect the public health, safety and general welfare.

Ms. Wollmuth said, based on these findings, staff recommends approval of the annexation of Lots 16 and 17, Block 1 and Lot 1, Block 4, Clear Sky Addition.

MOTION: Based on the findings contained in the staff report, Commissioner Levchak made a motion to recommend approval of the annexation of Lots 16 and 17, Block 1 and Lot 1, Block 4, Clear Sky Addition. Commissioner Bakken seconded the motion and the motion was unanimously approved with

Commissioners Atkinson, Bakken, Bitner, Laning, Levchak, Schell, Van Duyne, Wangen and Schwartz voting in favor of the motion.

FINAL CONSIDERATION – ANNEXATION

LOTS 2 AND 15-16, BLOCK 2, LOTS 14-22, BLOCK 4, AND LOTS 1-6, BLOCK 5, BOULDER RIDGE SEVENTH ADDITION, CURRENTLY PART OF THE NW¼ OF SECTION 16, T139N-R80W/HAY CREEK TOWNSHIP

Chair Schwartz called for final consideration of the annexation of Lots 2 and 15-16, Block 2, Lots 14-22, Block 4, and Lots 1-6, Block 5, Boulder Ridge Seventh Addition, currently part of the NW ¼ of Section 16, T139N-R80W/Hay Creek Township. The property is located in north-central Bismarck, along the east side of North Washington Street and the south side of 57th Avenue NE.

Mr. Hutchings gave an overview of the request, including the following findings related to land use for the annexation:

1. The City of Bismarck and/or other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the annexation at the time the property is developed.
2. The proposed annexation is a logical and contiguous extension of the current corporate limits of the City of Bismarck.
3. The proposed annexation is consistent with the general intent and purpose of the zoning ordinance.
4. The proposed annexation is consistent with the master plan, other adopted plans, policies and accepted planning practice.
5. The proposed annexation would not adversely affect the public health, safety and general welfare.

Mr. Hutchings said, based on these findings, staff recommends approval of the annexation of part of the NW ¼ of Section 16, T139N-R80W/Hay Creek Township, to be known as Lots 2 and 15-16, Block 2, Lots 14-22, Block 4, and Lots 1-6, Block 5, Boulder Ridge Seventh Addition.

Commissioner Laning asked if the acreage calculation on the staff report of 18 lots in 1.21 acres is correct.

Mr. Hutchings said it is not and will be corrected on the information to be forward to the Board of City Commissioners.

MOTION: Based on the findings contained in the staff report, Commissioner Bakken made a motion to recommend approval of the annexation of part of the NW¼

of Section 16, T139N-R80W/Hay Creek Township, to be known as Lots 2 and 15-16, Block 2, Lots 14-22, Block 4, and Lots 1-6, Block 5, Boulder Ridge Seventh Addition. Commissioner Laning seconded the motion and the motion was unanimously approved with Commissioners Atkinson, Bakken, Bitner, Laning, Levchak, Schell, Van Duyne, Wangen and Schwartz voting in favor of the motion.

PUBLIC HEARINGS – ZONING CHANGE AND FINAL PLAT COOPERATIVE ADDITION

Chair Schwartz called for the public hearing on the final plat and the zoning change from the A-Agricultural zoning district to the RT-Residential zoning district for Cooperative Addition. The proposed plat is two lots in one block on 5.54 acres and is located in north Bismarck, west of US Highway 83/State Street between Coleman Street and Lockport Street, along the south side of 43rd Avenue NE (part of the NE¼ of Section 21, T139N-R80W/City Lands).

Ms. Wollmuth gave an overview of the request, including the following findings related to land use for the zoning change:

1. The proposed zoning change generally conforms to the Future Land Use Plan in the 2014 Growth Management Plan, as amended.
2. The proposed zoning change is compatible with adjacent land uses and zoning.
3. The City of Bismarck and/or other agencies may be able to provide necessary public services, facilities and programs to serve any development allowed by the new zoning classification at the time the property is developed.
4. The proposed zoning change is justified by a change in conditions since the previous zoning classification was established or by an error in the zoning map.
5. The proposed zoning change is in the public interest and is not solely for the benefit of a single property owner.
6. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance.
7. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice.
8. The proposed zoning change would not adversely affect the public health, safety, and general welfare.

Ms. Wollmuth then gave the findings related to land use for the final plat:

1. All technical requirements for approval of a final plat have been met.
2. The final plat generally conforms to the preliminary plat for the proposed subdivision that was tentatively approved by the Planning and Zoning Commission.
3. The proposed subdivision generally conforms to the 2014 Fringe Area Road Master Plan, as amended.
4. The City Engineer has conditionally approved the Post-Construction Stormwater Management Permit (PCSMP), with the understanding that at the time of site development of either lot in the proposed plat, the developer is required to provide a comprehensive Stormwater Management Plan for the lot being developed.
5. The requirements of the neighborhood parks and open space policy is not required at this time, if the property develops as residential, the provisions of the Neighborhood Parks and Open Space Policy would apply.
6. The proposed subdivision plat includes sufficient easements and rights-of-way to provide for orderly development and provision of municipal services beyond the boundaries of the subdivision.
7. The City of Bismarck and/or other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the proposed subdivision at the time the property is developed.
8. The proposed subdivision is not located within the Special Flood Hazard Area (SFHA), also known as the 100-year floodplain, an area where the proposed development would adversely impact water quality and/or environmentally sensitive lands, or an area that is topographically unsuited for development.
9. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance.
10. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice.
11. The proposed subdivision would not adversely affect the public health, safety and general welfare

Ms. Wollmuth said, based on these findings, staff recommends approval of the zoning change from the A – Agriculture zoning district to the RT – Residential zoning district and the major subdivision final plat for Cooperative Addition.

Commissioner Levchak asked if the RT-Residential zoning district could allow office buildings.

Ms. Wollmuth said that is correct, as well as other uses such as medical offices and multi-family properties.

Commissioner Levchak said uses that are similar to what is in that area now would be allowed. Ms. Wollmuth said that is correct.

Chair Schwartz opened the public hearing.

Rob Illg, SEH, said he is available to answer any technical questions at this time.

Dennis DelaBarre, 4101 Dominion Street, asked if there would be any changes to the streets in this area, such as Dominion Street or Lambton Avenue.

Ms. Wollmuth replied there currently are not plans to extend either of those streets into the area.

Written comments in opposition to this request are attached as Exhibit A.

There being no further comments, Chair Schwartz closed the public hearing.

Commissioner Schell said with water mains and sewer at dead ends in that area there is an easement in place to eventually close those loops with the extension of development.

MOTION: Based on the findings contained in the staff report, Commissioner Bakken made a motion to recommend approval of the zoning change from the A – Agriculture zoning district to the RT – Residential zoning district and the major subdivision final plat for Cooperative Addition. Commissioner Levchak seconded the motion and the requests were unanimously approved with Commissioners Atkinson, Bakken, Bitner, Laning, Levchak, Schell, Van Duyne, Wangen and Schwartz voting in favor of the motion.

PUBLIC HEARING – MINOR SUBDIVISION FINAL PLAT DAYBREAK MEDICAL ADDITION FIRST REPLAT

Chair Schwartz called for the public hearing on the minor subdivision final plat of Daybreak Medical Addition First Replat. The proposed plat is seven lots in one block on 16.59 acres and is located in north Bismarck, north of 57th Avenue NE and east of North Washington Street, in the northwest quadrant of the intersection of East Greenfield Drive and Saints Drive (a replat of all of Block 2, Daybreak Medical Addition).

Ms. Wollmuth gave an overview of the request, including the following findings related to land use for the minor subdivision final plat:

1. All technical requirements for approval of a minor subdivision final plat have been met.

2. The City Engineer has conditionally approved the Post-Construction Stormwater Management Permit (PCSMP) with the understanding that additional development of the property will require a more detailed stormwater management plan during site plan review.
3. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance.
4. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice.
5. The proposed subdivision would not adversely affect the public health, safety and general welfare.

Ms. Wollmuth said, based on these findings, staff recommends approval of the minor subdivision final plat for Daybreak Medical Addition First Replat.

Commissioner Schell asked if all of the lots within this plat have access to streets and utilities, via easements or otherwise.

Ms. Wollmuth replied that is correct.

Chair Schwartz opened the public hearing.

Landon Niemiller, Swenson, Hagen & Co., said they have maxed out their allowed number of lot modifications in this subdivision so are now required to do a minor subdivision final plat.

There being no further comments, Chair Schwartz closed the public hearing.

MOTION: Based on the findings contained in the staff report, Commissioner Bakken made a motion to recommend approval of the minor subdivision final plat for Daybreak Medical Addition First Replat. Commissioner Levchak seconded the motion and the motion was unanimously approved with Commissioners Atkinson, Bakken, Bitner, Laning, Levchak, Schell, Van Duyne, Wangen and Schwartz voting in favor of the motion.

**PUBLIC HEARING – FUTURE LAND USE PLAN AMENDMENT AND ZONING CHANGE
PART OF SECTIONS 18 & 19, HAY CREEK TOWNSHIP**

Chair Schwartz called for the public hearings on an amendment to the Future Land Use Plan to modify the boundary between the Low Density Residential and Conservation land use designations and rezone property to establish zoning for this area prior to platting, annexation and development and a zoning change from the A – Agricultural zoning district to the A – Agricultural, R5 – Residential and R10 – Residential zoning districts.

Ms. Lee gave an overview of the request, including the following findings related to land use for the Future Land Use Plan amendment:

1. The proposed amendment is compatible with adjacent land uses.
2. The proposed amendment is justified by a change in conditions since the future land use plan was established or last amended.
3. The Hay Creek Township Board of Supervisors has been informed of the proposed amendment but has not yet made a recommendation.
4. The proposed amendment is in the public interest and is not solely for the benefit of a single property owner.
5. The proposed amendment is consistent with the general intent and purpose of the zoning ordinance.
6. The proposed amendment is consistent with the other aspects of the master plan, other adopted plans, policies and accepted planning practice.
7. The proposed amendment would not adversely affect the public health, safety, and general welfare.

Ms. Lee then gave the findings related to land use for the zoning change:

1. The proposed zoning change generally conforms to the Future Land Use Plan in the 2014 Growth Management Plan, if amended in conjunction with this zoning change amended.
2. The proposed zoning change is compatible with adjacent land uses and zoning.
3. The City of Bismarck and/or other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the new zoning classification at the time the property is developed.
4. The Hay Creek Township Board of Supervisors has been informed of the proposed zoning change but has not yet made a recommendation.
5. The proposed zoning change is justified by a change in conditions since the previous zoning classification was established or by an error in the zoning map.
6. The zoning change is in the public interest and is not solely for the benefit of a single property owner.
7. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance.

8. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice.
9. The proposed zoning change would not adversely affect the public health, safety, and general welfare.

Ms. Lee said, based on the findings in the staff report, staff recommends approval of the Future Land Use Plan Amendment to modify the boundary between the Conservation and Low Density Residential land use designations as shown on the exhibit attached to the staff report and the zoning change from the A – Agricultural zoning district to the A – Agricultural, R5 – Residential and R10 – Residential zoning districts as shown on the exhibit attached to the staff report for part of the NE¼ of Section 19 and part of the SE¼ of Section 18, T138N-R80W/Hay Creek Township, with the understanding that staff would support rezoning of entire lots to R5- Residential or R10-Residential in conjunction with the future platting of the property, provided a slope protection easement is shown over that portion of the lots included in the Conservation designation in the Future Land Use Plan, as amended, as presented.

Commissioner Laning said a letter was submitted from an owner regarding the slopes in this area having sluffing and asked how this area compares to other steep areas, such as along the western edge of Pebble Creek.

Ms. Lee said the Pebble Creek area is similar but had some regrading done prior to the current stormwater requirements being in place.

Commissioner Schell said he has a similar understanding of there having been some fill dirt being placed that may not have been engineered, so that is a constructability concern. He added that with this topography, the BRAUN Intertec report was tasked with determining soil stability in this area.

Commissioner Levchak asked what the net loss of the conservation designation area would be. Ms. Lee said it has not been calculated but it would be very slight.

Commissioner Levchak asked if the map on page 55 is the old map. Ms. Lee said that is correct and added that the other map overlays the new boundary and the main opposition to the request is to the area in the center of the coulee. She added that a calculation done by Mr. Nairn shows a net loss of 6% of the conservation area.

Chair Schwartz asked how the various uses are designated in the Future Land Use Plan. Ms. Lee explained that the 2014 Growth Management Plan designated the uses and this entire area was looked at by a consultant as being an area to designate as conservation.

Chair Schwartz asked who adopts the Growth Management Plan.

Ms. Lee said the Planning and Zoning Commission and the Bismarck City Commission adopted the Growth Management Plan, in addition to some small refinements made to the

plan since then. She said a narrative on the request in the staff report was provided by the applicant.

Commissioner Levchak asked in relation to letters submitted regarding recreational uses in the conservation area how access to that area would be maintained.

Ms. Lee said that area is privately owned and the owner would decide whether to continue to allow recreational uses and is present to speak to that item.

Chair Schwartz opened the public hearing.

Jason Petryszyn, Swenson, Hagen & Co., said this area has two new subdivisions, Elk Ridge Addition and Eagle Crest 8th Addition, and the developer is trying to give those buying property in the area a better idea of how it will develop. He said contours on the maps provided indicate the existing coulee, showing how Tyler Parkway would potentially cross the coulee and how the lots could be laid out. He said he also has more detailed information that better defines the conservation boundary and added that growth plans are typically left vague in order to allow for more descriptive defining later. Mr. Petryszyn said the 2014 Growth Management Plan defines conservation areas to be things such as streams, greenways, trails and wetlands and this particular request does have both technical as well as emotional aspects to consider. He said the stormwater conveyance and slope protection are technical while losing views can be emotional, but he can show how that will not happen. He added that the slope stability study was done and that information will be shared here shortly. He went on to say the study uses a safety factor of 1.5 and the conservation land would continue to serve its purpose. He said the developer is providing more conservation area than other developments in north Bismarck and a development control line will be used to determine other servicing needs. He said the change is minor and conservation area would be added on the east side of the proposed development. Mr. Petryszyn closed by saying the distances from one residence to another residence on the other side of the coulee are anywhere from 400 feet to 800 feet. He added that they continue to put safety factors on developments and the conservation areas will be protected.

Commissioner Laning asked how the development would be accessed.

Mr. Petryszyn said access to individual lots would be from local roads, not off of Tyler Parkway.

Commissioner Levchak asked how the greenway would be reserved with the sale of lots.

Mr. Petryszyn said they would be divided by zoning and lots for facilities as well as lots conveyed to a Home Owners Association (HOA).

Commissioner Atkinson asked if green space would then be a platted lot. Mr. Petryszyn said that is correct, that the City would determine if the areas were for regional or local conveyance, and they could be platted and conveyed to an HOA.

Commissioner Atkinson asked if that is the case with the area along East Valley Drive. Mr. Petryszyn said not yet, adding that Mr. Knutson still owns that property.

Commissioner Levchak then asked if an HOA would own some of the properties. Mr. Petryszyn said if they are not conveyed to the City or the Parks District for ownership, then yes.

Commissioner Levchak asked if an HOA can restrict access.

Mr. Petryszyn replied they would place easements to provide stormwater conveyance needs and the developer has not relayed any intentions to restrict recreational access. He said they have discussed some things with Bismarck Parks and Recreation District, who came back with wanting a park and conveyed park land, but ownership has not changed at this time.

Agnes Solberg, 3707 Del Rio Drive, said she looked at the 2014 Growth Management Plan and the designated green area and purchased her property because of that feature. She said the 2011 Northwest Subarea Study indicated a green area at the top of the coulee and she is disappointed about this request. She said if they cannot rely on the Growth Management Plan then what should they rely on and use when making their purchasing decisions. She said the land in this area does slide, trees fall down and building houses there is not a good idea. Ms. Solberg provided a copy of the executive summary of the 2011 Northwest Subarea Study at this time.

Ron Knutson said he has lived in the Bismarck area since 1989 and now four of his five children are included in his development partnership. He said the new Elk Ridge Addition would have a six-acre park and they are working with the school district to add a grade school in the second phase. He said he has always done quality development such as Whispering Ridge, Eagle Crest and Boulder Ridge, and has donated park land, school land and church land. He said this development could potentially correct some other topographic issues. Mr. Knutson closed by saying they have always been good stewards of the land and this development will be done right and the second phase needs to happen.

Wes Dickhut, Braun Intertec, said they did not consider any existing constraints of the land when starting the study, they just looked at where reasonable development could take place. He said they studied 14 slopes and did soil borings until they hit bedrock, and then took that information and modeled it using a program to look at what drive forces downhill and what resists a downhill force. He said they settled on a 1.5 safety factor for occupied homes with little to no slope stability issues. He said he understands the recent River Road failure raised concern, adding that in 2013 a slope stability study was conducted in that area and the geology is vastly different there. He added that there is nothing unique to this particular area that would compromise development.

Commissioner Levchak asked if that report can be provided to this Commission. Mr. Dickhut said it should be part of the record.

Commissioner Levchak asked if the 1.5 safety factor is pre or post-construction. Mr. Dickhut said it would be post construction.

Commissioner Levchak asked if lawn irrigation factors were considered. Mr. Dickhut said a moist unit weight was used rather than saturated or completely dry, so that has been factored in.

Commissioner Schell indicated the safety factor for the roads is 1.3 and asked if there would be any roads proposed closer to the coulee than structures. Mr. Dickhut said he has not seen any design drawings yet but he did evaluate the existing right-of-way.

Chair Schwartz asked if the setback is uniform or if it varies based on the soil content. Mr. Dickhut said it was determined by the steepness of the slope and soil content.

Chair Schwartz asked if that setback is a recommendation or a requirement. Mr. Petryszyn said it would be a requirement once the plat has been recorded.

Commissioner Levchak asked if there is any elevation of refusal. Mr. Dickhut said there is one slope that is over 100 hundred feet where they could only bore 30 feet down but they did not find anything at less than 20 feet with issues. He said those areas that are sluffing have very shallow composition.

Tom Deis, 2925 Tyler Parkway, said he is opposed to the request because of the uniqueness and how the area functions as well as the proposed connection of Tyler Parkway. He said the area carries a lot of water to the river and there are already existing ground water issues. He said the City needs to do its due diligence and asked who would be held responsible if the coulee does fail. He said Tyler Parkway is a minor arterial roadway, so why would they want more traffic which would make it a major arterial roadway and then have the tax payers pay for it.

Cam Knutson, Tyler Coulee, LLP, said he appreciates the good debate taking place, and it only helps them get better at what they do. He said they dove into the future of Elk Ridge Addition, which will be a several years process, and did study the Growth Management Plan and the Northwest Subarea Study. He said there has been a high overall increase in population in this area, as well as traffic, and while they do not have a plat proposed yet and possibly will not for a few more years, they want to clear up any concerns now.

Tyler Wetsch, 3805 Del Rio Drive, said when he bought his property the area was earmarked to stay open space and he understands the desire to develop. He said he can see the land moving and building more houses would decrease vegetation which will not leave anything to absorb groundwater. He said wildlife would be threatened and there are over 1,000 lots for sale in Bismarck and feels this would make home values drop. He said the houses will be expensive, but there are not enough jobs here that pay for anyone to afford the assumed price range they will be in.

Commissioner Levchak asked who told him the area would not be developed. Mr. Wetsch said he based his information on the Growth Management Plan, which had that area earmarked to not change.

Ron Knutson said the area of Del Rio Drive to the new proposed development are almost 300 yards away from each other and all of that area would stay green and wildlife would continue to be preserved. He said the land at the top is flat and used to be farm land, so it probably never should have been designated as a conservation area. He said Commissioner Schell, as the City Engineer, also mandates strict stormwater management controls.

Mr. Wetsch returned to say runoff would all be diverted through the coulee and that is concerning with any new development because no thought has been given to that.

Commissioner Schell said once the street criteria is exceeded, the City requires storm drains and inlets, but the streets are often used in some areas for stormwater conveyance such as in Promontory Point.

Commissioner Levchak asked where the water ultimately drains to. Commissioner Schell said through the coulee and then to the river with 10 or so outfall locations.

Paul Zent, 4522 Kites Lane, said he can see the north end of the proposed development from his front door and he is not opposed to the requests because he feels this Commission, the owner and City staff will do the right thing. He then asked what the future of Tyler Parkway is.

Commissioner Schell said Tyler Parkway from 15th Street NW south is constructed by Burleigh County. The decision as to how far south it will be constructed would depend on how it is determined to make that leap across the coulee which has not been decided yet. He said funding has not been committed and there has not been any action by the Burleigh County Commission as of yet.

Commissioner Bitner said that is not a priority of the Burleigh County Highway Department at this time and plans are still unknown.

Commissioner Levchak asked how this development would be accessed without the extension of Tyler Parkway to the south.

Commissioner Schell said there would be a cul-de-sac developed with a maximum length to allow for emergency service access which would be a controlling element of the access.

Laura Hardmeyer, 1437 Eagles View Lane, asked if the designations could change again even after this request is approved.

Ms. Lee said she anticipates this being the last change to the Future Land Use Plan for this area, but the zoning districts could potentially change further with the submittal of a new subdivision plat.

Additional comments in opposition to this request are attached as Exhibits B-H, as well as the executive summary of the Northwest Bismarck Sub-Area Study submitted by Ms. Solberg.

There being no further comments, Chair Schwartz closed the public hearing.

MOTION: Based on the findings contained in the staff report, Commissioner Bakken made a motion to recommend approval of the Future Land Use Plan Amendment to modify the boundary between the Conservation and Low Density Residential land use designations, as shown on the exhibit attached to the staff report, and the zoning change from the A – Agricultural zoning district to the A – Agricultural, R5 – Residential and R10 – Residential zoning districts as shown on the exhibit attached to the staff report for part of the NE¼ of Section 19 and part of the SE¼ of Section 18, T138N-R80W/Hay Creek Township, with the understanding that staff would support rezoning of entire lots to R5- Residential or R10-Residential in conjunction with the future platting of the property, provided a slope protection easement is shown over that portion of the lots included in the Conservation designation in the Future Land Use Plan, as amended, as presented. Commissioner Laning seconded the motion and the request was approved with Commissioners Atkinson, Bakken, Laning, Levchak, Schell, Van Duyne, Wangen and Schwartz voting in favor of the motion. Commissioner Bitner abstained.

OTHER BUSINESS

INFORMATION SESSION FROM JANNELLE COMBS, CITY ATTORNEY ON BOARD CONDUCT AND GOVERNANCE

Ms. Combs said she is visiting with all of the City Boards and Commissions to give a general overview of governance and North Dakota laws as outlined in the distributed memo. Ms. Combs said there has been some questions lately as to motions and reminded those present that the Chair controls the meeting and it is critical that Commissioners remain open and transparent. She said all information needs to be shared at all times in the event something needed to be defended in court. She added that a consensus cannot be built beyond a public meeting even if the consensus building is being done by a non-member talking to Commissioners.

Commissioner Bitner indicated that he feels that happens all the time both here and at the County Commission level.

Ms. Combs said that should be reported to her, as it is the opinion of the Attorney General that non-members doing consensus building is illegal.

Commissioner Bakken said to either direct people offering information to the Commissioner who holds the portfolio, Ms. Combs and City staff. If they find out after the fact that information gathering has taken place it can be fixed right away if they know about it.

Commissioner Levchak asked if every single instance of a conversation had to be shared.

Ms. Combs said in the event an item comes up in general conversation they should ask right away if the person has spoken with any other Commissioners. She indicated Commissioner should also share any digital or email correspondence with her as well.

Ms. Combs memo is attached as Exhibit I.

ELECTION OF OFFICERS

Commissioner Bakken made a motion to reelect Mike Schwartz as the Chair of the Bismarck Planning Commission. Commissioner Bitner seconded the motion. Commissioner Laning motioned to make the motion unanimous. Commissioner Atkinson seconded the motion and with Commissioners Atkinson, Bakken, Bitner, Laning, Levchak, Schell, Van Duyne, Wangen and Schwartz voting in favor of the motion Mike Schwartz was reelected Chair of the Bismarck Planning and Zoning Commission.

Commissioner Bakken made a motion to reelect Tom Atkinson as the Vice Chair of the Bismarck Planning and Zoning Commission. Commissioner Laning seconded the motion. Commissioner Atkinson declined his reelection indicating this will be his last term on the Bismarck Planning and Zoning Commission. Commissioner Van Duyne made a motion to elect Vernon Laning as the Vice Chair of the Bismarck Planning and Zoning Commission. Commissioner Bakken seconded the motion and with Commissioners Atkinson, Bakken, Bitner, Laning, Levchak, Schell, Van Duyne, Wangen and Schwartz voting in favor of the motion, Vernon Laning was elected Vice Chair of the Bismarck Planning and Zoning Commission.

COMPREHENSIVE PLAN INITIATIVE

Ms. Lee said City staff is beginning the process of creating a new comprehensive plan to draw all of their documents, studies and plans together. She said there will be a stakeholders group created and the process will likely take approximately 18 months. The Plan will be prepared by City staff, although consultants may be utilized for certain components.

Commissioner Levchak asked if staff time and work load can accommodate such a large project.

Ms. Lee said she believes they can handle it as they all have various areas of expertise.

Commissioner Van Duyne said she thinks this a great idea and said to please continue working with Bismarck Public Schools as part of the plan as well. She asked if City codes and ordinances would be updated as well.

Ms. Lee said that is also a need and this plan would lay the groundwork for those updates to happen.

Commissioner Bakken said this also engages other political subdivisions which is a good thing.

ADJOURNMENT

There being no further business, Chair Schwartz declared the Bismarck Planning & Zoning Commission adjourned at 7:18 p.m. to meet again on February 26, 2020.

Respectfully submitted,

Hilary Balzum
Recording Secretary

Michael J. Schwartz
Chair

DRAFT

From: [Planning - General Mailbox](#)
To: [Daniel Nairn](#); [Jenny Wollmuth](#); [Kim Lee](#); [William Hutchings](#)
Cc: [Hilary Balzum](#)
Subject: FW: Public Hearing Zoning Change scheduled January 22nd
Date: Wednesday, January 15, 2020 4:56:07 PM

From: Kent French [mailto:]
Sent: Wednesday, January 15, 2020 2:36 PM
To: Planning - General Mailbox <planning@bismarcknd.gov>
Subject: Public Hearing Zoning Change scheduled January 22nd

As a homeowner on Mahone Drive, I would like to ask the Zoning Dept. to not allow multi-family residential units to be zoned in the request by Capital Electric and Basin Electric. The property is located between Lockport and Coleman and south of 43rd Avenue. When we purchased this property the understanding was this property was going to be used as it is currently or to continue to develop single-family housing. Changing the zoning to multi-family would change the quit neighborhood we enjoy without the dangerous traffic to one of chaos with traffic problems at every intersection. We currently have difficulty negotiating traffic from Lockport to 43rd Avenue and Lockport to State street. By adding a large number of apartments, additional problems would significantly occur. We have good zoning in the city where multi-family housing is designed along with proper streets to take care of the traffic flow. To change the zoning on this property to multi-family is not what I believe is in the best interest of local residents and to the multi-family residents that would have to negotiate not only the intersections that are at capacity now but the steep hills coming down Mahone and Lambton across from the fire station. Please don't allow multi-family in this area.

Kent French

843 Mahone Drive



From: [Planning - General Mailbox](#)
To: [Hilary Balzum](#); [Daniel Nairn](#); [Jenny Wollmuth](#); [Kim Lee](#); [William Hutchings](#)
Subject: FW: Changing status of Conservation Land in Tyler Coulee to development land.
Date: Wednesday, January 22, 2020 2:45:58 PM
Attachments: [image001.png](#)
[Tyler Coulee Conservation Land 1-18-2020.pdf](#)

From: Burns, David J. [mailto:]
Sent: Wednesday, January 22, 2020 2:36 PM
To: Planning - General Mailbox <planning@bismarcknd.gov>
Cc:
Subject: Changing status of Conservation Land in Tyler Coulee to development land.

Dear Planning committee: I am in support of keeping this land as open-space land. I agree with the points stated in Nick's attached PDF document.

Most of the area is a steep sided coulee susceptible to slumping and landslides. Why create another area like the homes above the Pebble Creek golf course and Hay Creek where the bike path and backyards are starting to slump into the creek.

The area will be more valuable to the people of Bismarck as an open area than developed for more housing.

I do not live adjacent to the area in question. I use the area for recreation. I usually ride my bike over to connect to the Pioneer bike path, or jog over to get a workout on a soft surface.

My address is 525 Versailles Avenue, Bismarck, ND 58503

Thanks

Dave Burns

Engineering Tech., Oil & Gas Division

701.328.8020(o) • 701.328.8028 (m) • djburns@nd.gov • www.dmr.nd.gov



701.328-8020 (Front Office) • oilandgasinfo@nd.gov • www.dmr.nd.gov • 600 E Boulevard Ave, Dept. 405 • Bismarck, ND 58505

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Bismarck's Open Space Under Attack

January 2020

At the January 22, 2020 meeting of the Bismarck Planning and Zoning Commission, the Commission will hear public comment related to changing a section of land from Conservation designation to R5 and R10 Residential. This will be agenda item #9. The Conservation designation is defined as "Permanent Open Space". This land gets this designation from a publicly-funded document called the Growth Management Plan.

The 2014 Growth Management Plan

The "centerpiece" of the Growth Management Plan is the Future Land Use Plan, wherein the various entities, City, County, Parks, Transportation, Engineering, Schools, even members of private industry such as construction contractors, land developers, Real Estate Brokers, etc. have collaborated to evaluate the land surrounding Bismarck and designated the best uses for it. It is paid for with public funds, and ratified by all parties involved. It is presented for public comment and approved by City and County Commissions.

The Growth Management Plan describes in its own words that it is not a "mistake", that it has been designed with a "detailed understanding of land suitability for development, real estate market forces, and backbone urban infrastructure networks." The current Growth Management Plan is reviewed and updated annually; it was first published in April 2014 and most recently updated in January 2020.

TYLER COULEE

In NW Bismarck, there is a unique geographic feature named Tyler Coulee. It is a 5,000-acre watershed containing a diversity of wildlife and wetlands. Animals regularly found or tracked in the area include whitetail and mule deer, coyote, turtles, rabbit, badger, monarch butterflies, voles, moles, mountain lion, a variety of owls, hawks, eagles, and other birds. The wetlands are federally Recognized and Protected under the Clean Water Act due to direct drainage into the Missouri River. For the past 20-30 years, homes have been built around the margins of the watershed, with the center of the watershed reserved to conserve these natural features.

The 2014 Bismarck Growth Management Plan identifies the center portion of the watershed as an important natural feature and designates this for longterm conservation, "Permanent Open Space".

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Figure 1 The wider green area in the center of the map represents, essentially, the “heart” of Tyler Coulee, where steep slopes and multiple separate drainages converge to produce wetlands and woodlands. This area has never been developed, however historically was used as Agricultural land for grazing cattle at times, and limited areas cut for hay.

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Every homeowner in the surrounding neighborhoods has paid a premium to live in an area adjacent to this Conservation-designated land. Many have invested specifically in home designs taking advantage of this view from their adjacent homes. This despite multiple areas being built without any dedicated parks in many neighborhoods. For instance, 6 separate additions of Promontory Point have been approved and built without any park land.

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Simply, only 1 entity stands to benefit from overturning the Conservation designation on this land: The developer. Bismarck, as a City, has plenty of land designated for residential development without overturning this Conservation designation. For instance, at the December 2018 Planning and Zoning Commission, it was noted that the City already has annexed enough land to supply residential growth for the next 18 years. One of the criteria for changing the designation must be that “The zoning change

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So, is there a plat or not?!

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NOT A MISTAKE!

The inclusion of this land as Conservation land in the 2014 Plan is not a mistake caused by differences between prior hand-drawn maps and the current digitized version, as suggested in the Planning Department Staff Report. As noted previously, the 2014 map was designed with a “detailed understanding of land suitability”, specifically considering “environmental needs”. Also, the GMP has been reviewed and updated multiple times since 2014, at least annually for the past 4 years (2016, ’17, ’18, ’19, ’20) and each time, this designation as Conservation Land was continued. Further, no private citizen in the City has resources comparable to those of a major developer, such as a dedicated Land Surveyor, appraisers, realtors, and bankers looking out for their interests. Indeed, the Developer was invited to the table in preparing the 2014 Growth Management Plan:

Throughout the course of the process to update this Plan, the study team attempted to engage each landowner to learn about potential plans for development and uses of the land, and to gain feedback on some aspects of the Plan as they were being developed. Landowners were contacted by paper and electronic mail and phone, invited to stakeholder interviews, received individualized notification about public meetings, and directed to electronic media. Comments received from land owners have been incorporated into the Plan. (2014 Bismarck Growth Management Plan)

It was not a mistake in 2014, nor in any year since as the FLUP and GMP have been reviewed and updated. Now that the Developer (who happens to own ALL open land in the vicinity) wishes to bulldoze over that Conservation land, the Commissions (Planning & Zoning and Bismarck City) are requested to overturn the Plan that has been in place for the better part of a decade as so many homeowners have been purchasing lots and building their homes.

Level of Detail of the Future Land Use Plan

As stated previously, the FLUP was designed with a “detailed understanding of land suitability”. Here is an image from the FLUP, showing the level of detail described at the area in question and the surrounding lands (Figure 2):



Figure 2 The Future Land Use Plan. Note the very high level of detail in portions of the map in other watersheds further away from current development. This 2014 Future Land Use Plan was designed to conserve a significant portion of the Tyler Coulee watershed as Conservation land: Permanent Open Space.

Traffic Planning Completely Absent

A north-south arterial roadway is planned to run through this area, Tyler Parkway. THERE IS NO PLAN FOR THIS ROAD! The City do not have a plan describing the effects of connecting this road to the existing portion of Tyler Parkway. The currently existing portion of Tyler Parkway was not designed as an arterial roadway. It is a neighborhood street with 45 homes’ driveways directly entering the roadway, on-street parking, and curves which limit the Speed Limit to 25 mph. The road is already overtaxed, serving as a neighborhood collector for Promontory Point and Eagle Crest neighborhoods. If connecting this road as an arterial is indeed in the future plan, NO other location of increased residential platting will add more traffic directly onto the already-existing portion of Tyler Parkway. Within the past year, a group of 95 families in the area have petitioned the City Commission to please PAUSE what you’re doing and come up with a plan that makes sense!

From: [Planning - General Mailbox](#)
To: [Hilary Balzum](#); [Daniel Nairn](#); [Jenny Wollmuth](#); [Kim Lee](#); [William Hutchings](#)
Subject: FW: Hay Creek Township development - T139N-R80W/Hay Creek Township
Date: Wednesday, January 22, 2020 2:19:58 PM

From: [REDACTED] [mailto:[REDACTED]]
Sent: Tuesday, January 21, 2020 10:42 AM
To: Planning - General Mailbox <planning@bismarcknd.gov>
Subject: Hay Creek Township development - T139N-R80W/Hay Creek Township

Dear Commission ;

I am asking that you DO NOT let the Hay Creek Coulee be developed , we go hiking in it during the summer & biking , it would be a waste of land going to Mr. Knutson.

I know he developed a lot of land but to change what was to be agriculture land to apt building & homes is a waste. He can go develop the rest of his property's that he has.

Thank you for your time

Karen Larson
1438 Eagle Crest Loop
Bismarck , ND

From: [Planning - General Mailbox](#)
To: [Daniel Nairn](#); [Jenny Wollmuth](#); [Kim Lee](#); [William Hutchings](#)
Cc: [Hilary Balzum](#)
Subject: FW: Knutson request to amend the Future Land Use Plan & Zoning Change request
Date: Wednesday, January 15, 2020 4:56:36 PM

From: Roger Weigel [mailto: [REDACTED]]
Sent: Wednesday, January 15, 2020 3:52 PM
To: Planning - General Mailbox <planning@bismarcknd.gov>
Subject: Knutson request to amend the Future Land Use Plan & Zoning Change request

Dear Bismarck Planning & Zoning Commission Members:

I am unable to attend the Wednesday, January 22 public hearing on this referenced request; therefore, I will use this email to submit written comments. For reasons I state below, I strongly oppose this Developer's request and I ask the Bismarck Planning & Zoning Commission Members to officially deny Ron Knutson's request to 1) amend the Future Land Use Plan and 2) a zoning change.

Like most Bismarck residents, the purchase of our home was the largest investment we will ever make. After being in the home buying market for several years, during June 2017 we purchased our third and hopefully final home in Bismarck. At the time, we were willing to pay premium price for a ranch style home with a backyard view overlooking a coulee and conservation area. After doing our homework, we were convinced this home on Del Rio Drive was indeed our forever home.

The most significant deciding factor in the purchase of our home was when we reviewed the Bismarck Future Land Use Plan. The Future Land Use Plan clearly identifies this area to be preserved as conservation area. This land use study and final plan, funded by our tax dollar, was developed by a qualified professional land use planning company. I ask if we cannot use and trust the Future Land Use Plan when making our investment decisions, what other sources of better information could we have used?

There are a number of Required Findings of Fact (relating to land use) which must be satisfied prior to approving a zoning change. One fact is the proposed zoning change generally conforms to the Future Land Use Plan in the 2014 Growth Management Plan. This specific zoning change request clearly violates this fact. Mr. Knutson implies if his plan does not line up with the Future Land Use Plan, let's just amend the plan.

Another Required Finding of Fact is the zoning change is in the public interest and is not solely for the benefit of a single property owner. Again, this request clearly violates that fact. Tyler

Coulee, LLP and Ron Knutson were well aware of this conservation area designation when they purchased the land. Now in the interest of making a dollar, they simply request and expect the Bismarck Planning & Zoning Commission to approve an amendment to the Future Land Use Plan to modify the boundary between the low density residential and conservation designation. These revisions are not in the best interest of the residents in the neighborhood but would solely benefit a single property owner.

The City of Bismarck, especially northwest and northeast Bismarck, is growing at an amazing rate. This growth is awesome and great for the our thriving community. However, this growth must continue to be well planned and advanced thru a collaborative effort of City, County, property owners, and developers all working within the guidelines as established by the Future Land Use Plan.

I regret I will not be able to attend the public hearing on this matter, and thank you in advance for your thoughtful review of Ron Knutson's request. Tyler Coulee is an amazing, extremely environmentally sensitive area. The preservation of this area is important to Bismarck and has been studied and discussed for well over 30 years. I ask that you find a way to deny this developer's request and help protect and preserve the area of land identified as "CONSERVATION AREA" in the current Future Land Use Plan.

If you would like to discuss this matter further or request clarification of any information I presented, please do not hesitate to contact me either by email or phone.

Thank you.

Roger Weigel

[REDACTED]

cell phone [REDACTED]

From: [Kim Lee](#)
To: [Hilary Balzum](#)
Subject: FW: January 22, 2020: Bulldozing Conservation Land in Tyler Coulee. Plannning and Zoning Commission
Date: Wednesday, January 22, 2020 11:48:01 AM
Attachments: [Tyler Coulee Conservation Land 1-18-2020.pdf](#)

From: Gabe Schell
Sent: Tuesday, January 21, 2020 8:29 AM
To: Kim Lee <klee@bismarcknd.gov>
Cc: Ben Ehreth <behreth@bismarcknd.gov>
Subject: FW: January 22, 2020: Bulldozing Conservation Land in Tyler Coulee. Plannning and Zoning Commission

FYI. Thanks

Gabe Schell, PE
City Engineer
City of Bismarck

From: Nick Bradbury [REDACTED] >
Sent: Saturday, January 18, 2020 2:12 PM
To: Gabe Schell <gschell@bismarcknd.gov>
Subject: January 22, 2020: Bulldozing Conservation Land in Tyler Coulee. Plannning and Zoning Commission

Gabe,

This Wednesday, Jan. 22, 2020, Bismarck Planning and Zoning Commission will consider overturning the Conservation designation ("Permanent Open Space") of a large swath of the core of the Tyler Coulee Watershed. More than any other location, this will affect the greatest number of homeowners of any of the projects in Tyler Coulee to date. This document summarizes the many reasons why Planning and Zoning should NOT overturn the current plan.

Further, I've been very disappointed that City of Bismarck and our residents appear to be completely shut out of the process in planning Tyler Parkway.

Thank you for your attention.

Respectfully,

Nick Bradbury

Bismarck's Open Space Under Attack

January 2020

At the January 22, 2020 meeting of the Bismarck Planning and Zoning Commission, the Commission will hear public comment related to changing a section of land from Conservation designation to R5 and R10 Residential. This will be agenda item #9. The Conservation designation is defined as "Permanent Open Space". This land gets this designation from a publicly-funded document called the Growth Management Plan.

The 2014 Growth Management Plan

The "centerpiece" of the Growth Management Plan is the Future Land Use Plan, wherein the various entities, City, County, Parks, Transportation, Engineering, Schools, even members of private industry such as construction contractors, land developers, Real Estate Brokers, etc. have collaborated to evaluate the land surrounding Bismarck and designated the best uses for it. It is paid for with public funds, and ratified by all parties involved. It is presented for public comment and approved by City and County Commissions.

The Growth Management Plan describes in its own words that it is not a "mistake", that it has been designed with a "detailed understanding of land suitability for development, real estate market forces, and backbone urban infrastructure networks." The current Growth Management Plan is reviewed and updated annually; it was first published in April 2014 and most recently updated in January 2020.

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From: [Planning - General Mailbox](#)
To: [Hilary Balzum](#); [Daniel Nairn](#); [Jenny Wollmuth](#); [Kim Lee](#); [William Hutchings](#)
Subject: FW: Input and concern regarding the Tyler Coulee area
Date: Wednesday, January 22, 2020 2:19:48 PM

From: Nathan Sailer [mailto:]
Sent: Tuesday, January 21, 2020 9:10 PM
To: Planning - General Mailbox <planning@bismarcknd.gov>
Subject: Input and concern regarding the Tyler Coulee area

Hello Bismarck Planning and Zoning Commission,

I am a resident of the Country West neighborhood of Bismarck. I would like to give my input and concern regarding the Tyler Coulee area. I feel that Tyler Coulee provides valuable green space to the citizens of Bismarck. I use the trails in the coulee, and have many friends and coworkers who use the coulee regularly for outdoor recreation. It is unique green space that many cities would love to have. It is areas like Tyler Coulee that attract and keep people here. While I understand that the Planning and Zoning Commission has to balance the needs of the city, I urge the commission to keep as much of the coulee in green space as feasible.

Regarding the current condition of the coulee, I ask that the commission and city engineering take a first-hand look at the erosion that has occurred in the coulee due to storm water runoff. I feel that steps need to be taken to reduce the amount of storm water runoff through the coulee from both current and future developments.

I also ask the commission and city engineering to please carefully consider and plan for the increase in traffic volume that would occur on Tyler Parkway if it was extended as planned. It would be better to do any work needed to handle the added volume before the extension is made rather than trying to deal with the consequences after the volume has increased.

Lastly, I ask the commission and city engineering to try to minimize the reduction of green space when Tyler Parkway is extended, and if possible, allow for the trails in the area to still remain in place and connected.

Thank you,

Nathan Sailer

From: [Planning - General Mailbox](#)
To: [Hilary Balzum](#); [Daniel Nairn](#); [Jenny Wollmuth](#); [Kim Lee](#); [William Hutchings](#)
Subject: FW: T139N-R80W/ Hay Creek Township development
Date: Wednesday, January 22, 2020 2:20:08 PM

From: ray larson [mailto:]
Sent: Tuesday, January 21, 2020 10:31 AM
To: Planning - General Mailbox <planning@bismarcknd.gov>
Subject: T139N-R80W/ Hay Creek Township development

Dear Commission;

I am against the development of the Hay Creek development and you should tell them to go finish their other developments they have started.

I don't care to have apt building pop up in our area and them just doing what they want to do because they got money to buy and destroy that wonderful landscape .

Thank you for your time

Ray H Larson Jr
1438 Eagle Crest Loop
Bismarck N D



Northwest Bismarck Sub-area Study Executive Summary

prepared for



January 2011

I. Introduction and Background

Over the past few years, local staff and elected officials have been faced with numerous questions relative to development in and around northwest Bismarck:

- What should be done to address traffic along Ash Coulee Drive, and how will future extension of the corridor and associated development be handled?
- Can River Road handle future growth in the area below the bluffs, and where, when and how can future connections be made from River Road to the top of the escarpment?
- Should Golf Drive or Burnt Boat Drive be extended and if so, should it serve as a local road or a collector street? Would it be better to extend Century Avenue west through the Fire Station?
- Should Tyler Parkway be extended to the north as suggested in past plans?
- Will Tyler Parkway's current configuration be able to handle future traffic?
- Do the corridor alignments proposed by past planning efforts adequately address the needs of the area? Some past plans only took a broad brush look at northwest Bismarck.

In response to these questions, the Bismarck Northwest Sub-Area Study was initiated by the City of Bismarck and the Bismarck-Mandan Metropolitan Planning Organization. Local staff and government officials desire to have a plan in place to effectively manage future development proposals so that important transportation corridors may be preserved. Their goal is to create a comprehensive plan for transportation facilities northwest of Bismarck.

This area has significant potential for future development. Yet, within the Study Area, the natural and built environment offers limited opportunity to extend or expand existing corridors. Therefore, it is critical that future corridors with good connectivity to the existing transportation system be planned.

II. Issues

Issues were identified in the following categories:

- | | |
|--|---------------------------------------|
| • Access & Distribution of Traffic | • Environmental impacts |
| • Accommodation of utilities | • Harsh terrain |
| • Barriers to development | • Land use and timing for development |
| • Corridor preservation | • Pedestrian and bicycle mobility |
| • Costs, funding and project programming | • Property and corridor impacts |

III. Proposed Corridor Alignments

Corridor alignment alternatives were derived from the technical analysis with input from the Study Review Committee. Proposed corridor alignments are shown in Figures 1EX, 2EX and 3EX.

Profiles were prepared to examine the approximate grades that could be established for some of the individual corridors. Areas showing a significant amount of cut or fill are indicators of the need for drainage facilities, potential structures, and possibly additional right of way.

The following paragraphs provide an overview of the pros and cons associated with individual alignments. Local technical staffs gave feedback on which alignments they support, and their positions are reflected in the narrative for each corridor that follows.

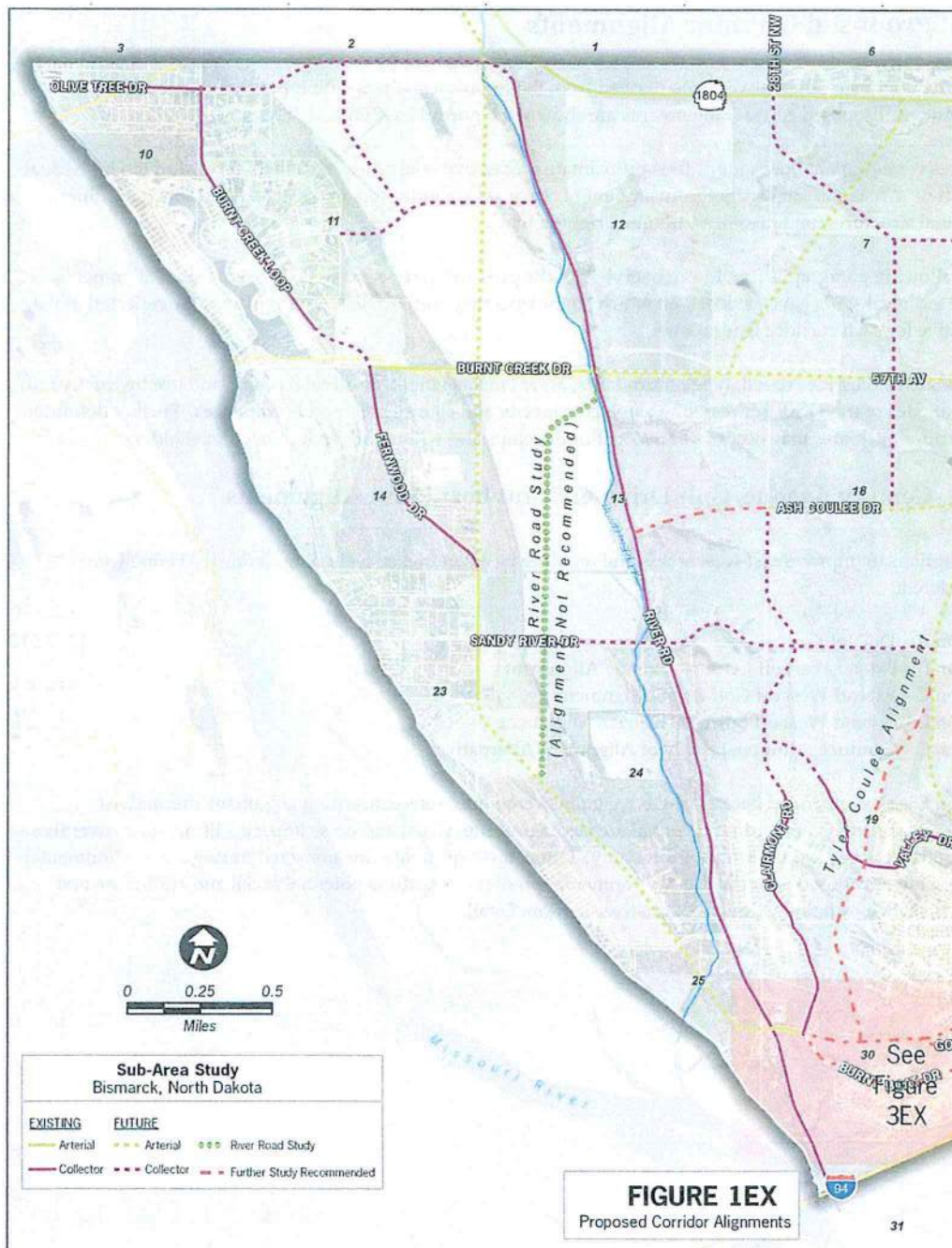
Issues such as corridor speed, type of turn lanes, access management, on-street parking, and use by trucks and other modes of travel are addressed through current city and county policy and ordinances. Further definition of corridor attributes may occur as each corridor develops and with input from public stakeholders.

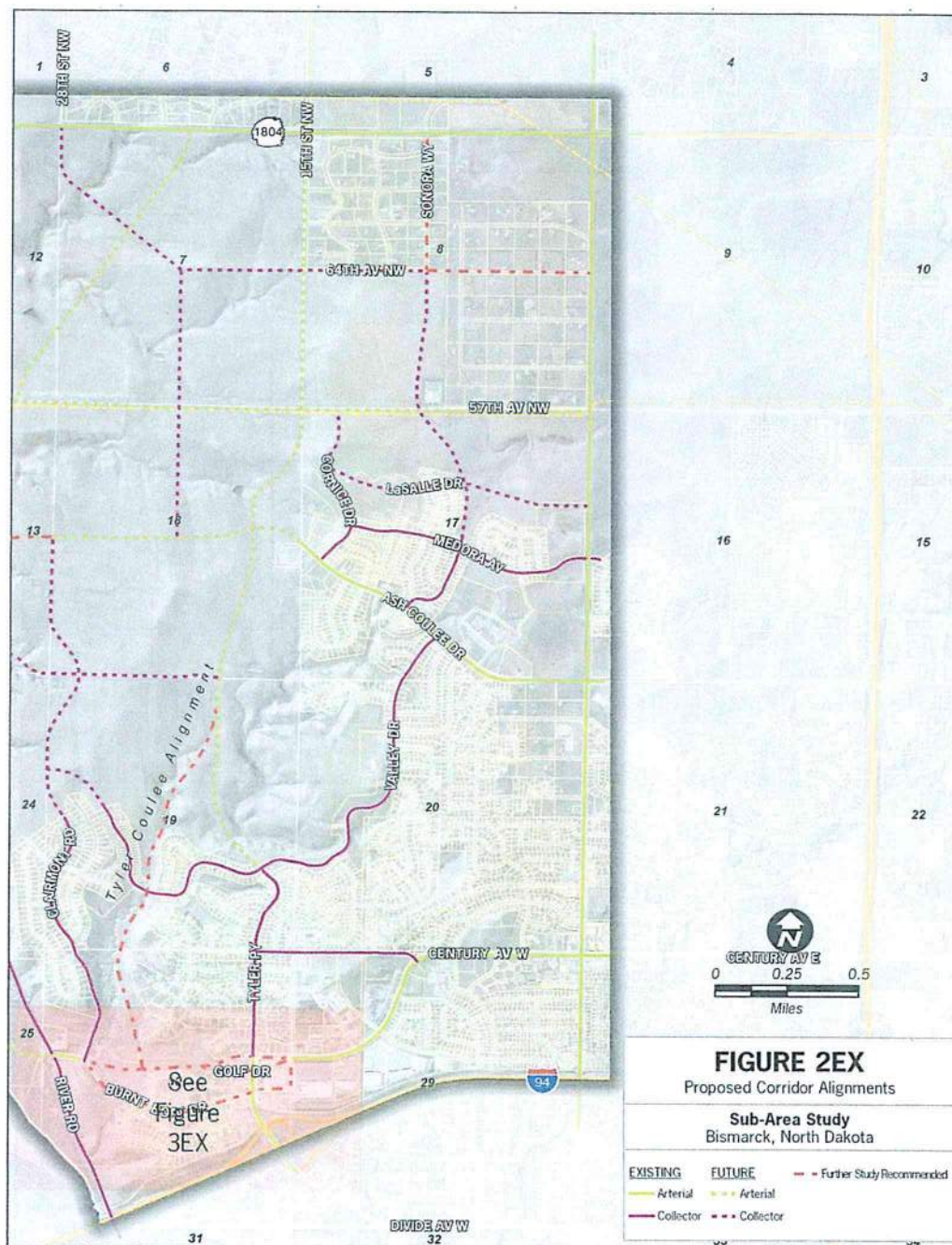
A. Century Avenue, Golf Drive, & Burnt Boat Drive Alignments

Five options to improve east-west access and mobility by extending or realigning Century Avenue were considered:

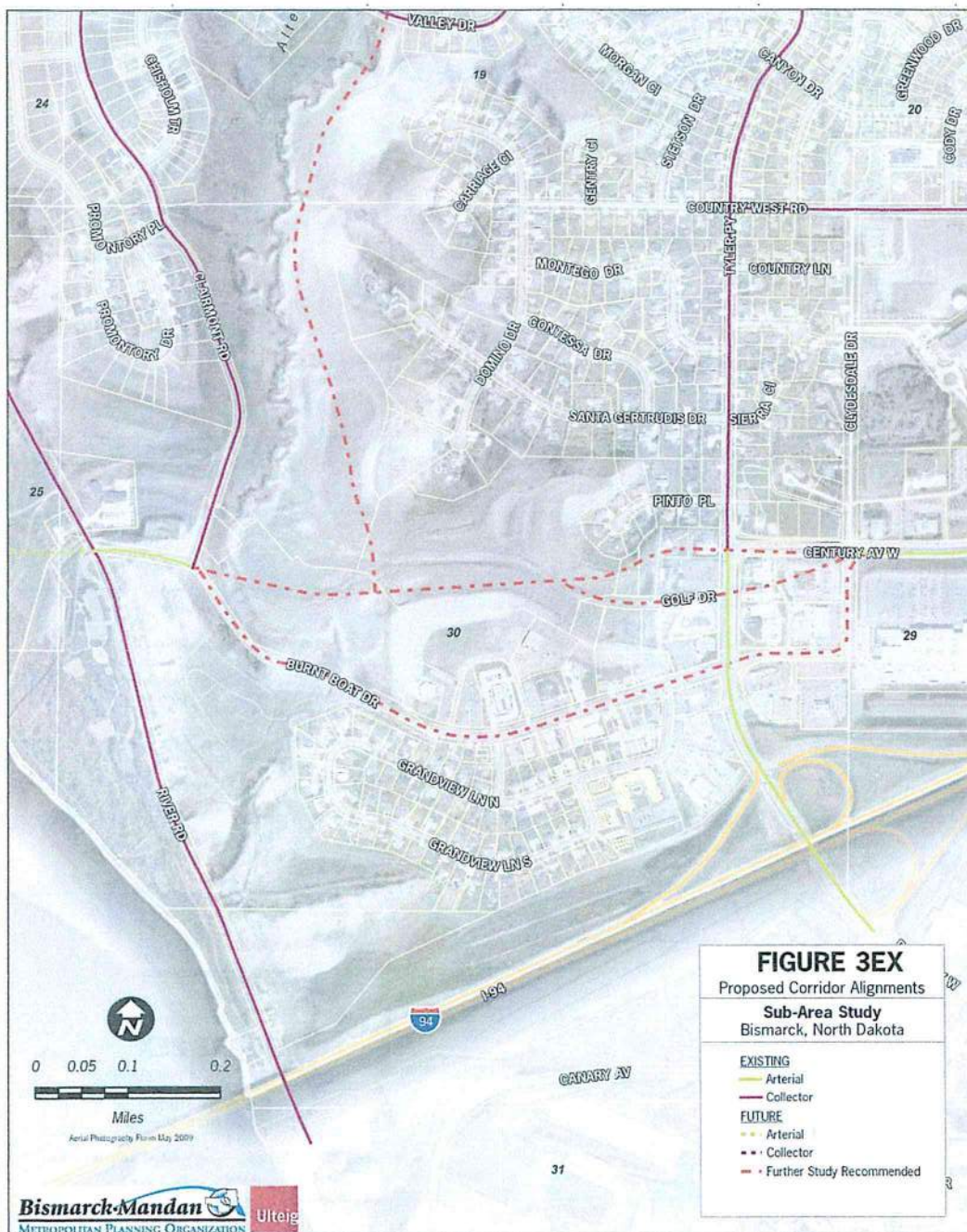
- Option A – Do Nothing
- Option B – Extend West off Century Avenue Alignment
- Option C – Extend West off Golf Drive Alignment
- Option D – Extend West off Burnt Boat Drive Alignment
- Option E – Conduct Additional Study of Alignment Alternatives

Option E is recommended because there are unanswered questions concerning alignment alternatives. Concerns were raised regarding potential archaeological site, visual and noise impacts. Efforts to answer these questions were beyond the scope of this study. Often, these questions are answered during the environmental process for a proposed project. The environmental process can address potential social and environmental concerns while examining design alternatives in more detail.





Bismarck Mandan Metropolitan Planning Organization
Northwest Bismarck Sub-area Study – Executive Summary



Bismarck Mandan Metropolitan Planning Organization
Northwest Bismarck Sub-area Study – Executive Summary

1. Optional Alignment Comparisons and Evaluations

The options for extending Century Avenue were evaluated and compared based on a number of traffic and socio-economic criteria (See Table 1). These criteria and discussion of their evaluations are provided in the following paragraphs. The table compares the options more from a system level than from a level focused only on the Tyler Parkway area. The top two option rankings in Table 1 are highlighted in green and the bottom two option rankings are highlighted in red.

Table 1

Alignment Option	Traffic Evaluation Criteria										Socio-Economic Criteria			
	Intersection LOS	Signal Progression	Vehicle Storage	Tyler Pkwy Impacts	Multimodal Opportunities	Interchange Impacts	Traffic Capacity	Traffic Safety	Access Impacts	Visual Impacts	Noise Impacts	Residential Land Purchased	Business & Economic Impacts	Project Cost
Option A – Do Nothing	3	1	4	4	3	2	4	4	4	1	4	1	1	1
Option B – Century Avenue Extension	1	2	1	1	1	1	1	1	1	4	3	2	1	3
Option C – Golf Drive Alignment	1	3	2	2	1	3	2	2	2	3	1	1	3	4
Option D – Burnt Boat Alignment	2	4	3	3	2	4	3	3	3	2	2	1	2	2

1 - Top ranked or best option

4 - Lowest ranked or worst option

a. Traffic Evaluation Criteria

i. Intersection Level of Service

Intersection Level of Service pertains to the amount of vehicular traffic delay at a given intersection. It is influenced by a number of factors, but primarily it is influenced by the number of vehicles at an intersection, the number of lanes and whether the intersection is signalized. Another factor to consider is the number of left turning vehicles, particularly those that don't have a designated left turn lane or those occurring at unsignalized intersections.

Based on our analysis, the Century Avenue and Golf Drive extension alignments performed equally well. The Burnt Boat Drive intersection operates poorly today, and the intersection delay will continue to increase unless substantial improvements are made. The ability to make these improvements is uncertain.

Future traffic levels at Burnt Boat Drive would be higher than other options primarily because the roadway would carry more traffic from existing developments. This would result in lower intersection performance than occurs with Options A or B. The Do Nothing option operated most poorly because of added pressure it placed on a multitude of other intersections within the

study area.

ii. Signal Progression

The ability of traffic to move through a number of signalized intersections along a corridor is influenced by a number of factors. These factors include the number and spacing of signalized intersections, as well as the turning movements by cars moving along the corridor.

Generally speaking, traffic will more easily progress along a corridor that has less traffic and has fewer signalized intersections that are well spaced, as opposed to more signalized intersections that are busier and more closely spaced.

Based on our analysis, the Do Nothing alternative performed the best because poor access to Tyler Parkway would result in little change in traffic conditions along the corridor. An argument could be made that signal progression could be significantly impacted elsewhere, but this has not been studied.

The Century Avenue Extension performed well because it maintains good spacing for the signalized intersections and does the best at spreading heavy volumes of traffic along the Tyler Parkway Corridor. The Golf Drive extension spreads the traffic but not as much. Plus it adds another signalized intersection. The Burnt Boat Drive extension, because of heavier traffic at the intersection and its proximity to the interchange, has the potential to cause greater signal progression problems in the future.

iii. Vehicle Storage

Adequate vehicle storage is needed for traffic using through and turn lanes. When inadequate storage is available, left and right turning traffic can stack into the through traffic lanes, rendering those lanes inoperable. Similarly, through traffic can stack to block access to turn lanes they become inoperable as well.

The need for vehicle storage is dependent upon the amount of traffic and whether the traffic is turning or going straight. Both storage needs and availability factored into our analysis.

There are storage tradeoffs with each of the alignment alternatives. For example, the direct extension of Century Avenue has ample storage room on the east, west and south approaches, but is limited by proximity to the Pinto Place intersection to the north.

The Golf Drive intersection is limited by proximity to the Burnt Boat Drive intersection and both the Fire Station and Pinto Place. The Burnt Boat Drive intersection is limited by proximity to the interchange and driveways on the east and west approaches. Given current vehicle storage issues at Burnt Boat Drive and the importance of the interchange, vehicle storage issues were considered as major issues with this alternative in comparison to other alternatives.

iv. Tyler Parkway Impacts

Our analysis assumed full build-out of traffic lanes along Tyler Parkway, and 30% of full build-out for area development. Under these conditions, each alignment alternative performed relatively the same, with Tyler Parkway operating at near-capacity.

It is important to recognize that should area development exceed the 30% full build out scenario, or should localized high traffic generating development occur, higher traffic volumes would result in more pronounced differences in how well each of the alignment options perform.

Relative impacts to the Tyler Parkway corridor are a function of most of the other traffic analysis criteria examined. The Do Nothing option was considered to perform the worst, assuming that the Tyler Parkway extension is made with no extension of Century Avenue. The heaviest impacts would occur in existing developed areas north of Century Avenue.

With the Burnt Boat Drive alignment option, traffic concerns relate to the high traffic volumes at the Burnt Boat Drive intersection and limitations on vehicle storage between Burnt Boat Drive and the I-94 Interchange.

v. Multimodal Opportunities

Multimodal opportunities relates to the ability to provide or improve non-motorized travel within the study area. In this regard, the Do Nothing option ranked lowest because there would be no provision to extend existing bicycle or pedestrian facilities west of Tyler Parkway. The Century Avenue extension and Golf Drive extension alternatives would provide equal capabilities to extend these facilities, whereas the Burnt Boat corridor has right of way limitations that reduce the ability to adequately provide these amenities.

vi. Interchange Impacts

Analysis of the I-94 Interchange was not included within the scope of this Study. However, placement of major intersections in close proximity to interchange ramps typically creates queues at the interchange that are detrimental to interchange traffic operations. From this standpoint, traffic turning movements that are further from the interchange have fewer impacts. Therefore, the Burnt Boat Drive option raises the greatest concern.

vii. Traffic Capacity

Traffic capacity is influenced by many factors, including vehicle storage, intersection spacing and geometrics. The direct extension of Century Avenue provides the best spacing for major intersections, more room for vehicle storage, and the most corridor capacity for both Tyler Parkway and Century Avenue.

Golf Drive ranks next, since it results in more available lanes than the Burnt Boat Drive option and keeps Century Avenue traffic separate from Burnt Boat Drive traffic. Burnt Boat Drive operates with less capacity since there are fewer lanes and adjacent intersections are in close proximity to Burnt Boat Drive.

viii. Traffic Safety

There are a number of corridor design and intersection geometric features that influence traffic safety. They include curvilinear alignment, steep grades, skewed intersections, excess access, driver confusion, sight distances and regional safety impacts among others.

The options for extending Century Avenue were evaluated and compared based on a number of traffic safety evaluation criteria. These criteria relate to all modes of travel. A summary of how the alignment options compare is provided in Table 2. The top two option rankings in Table 2 are highlighted in green and the bottom two option rankings are highlighted in red.

Table 2

Alignment Option	Safety Evaluation Criteria						
	Curvilinear Alignment	Steep Grades	Skewed Intersections	Excess Access	Driver Confusion	Sight Distances	Regional Safety Impacts
Option A – Do Nothing	1	1	1	1	4	2	4
Option B – Century Avenue Extension	2	2	1	1	1	2	1
Option C – Golf Drive Alignment	3	2	2	2	2	1	2
Option D – Burnt Boat Alignment	4	3	2	3	3	3	3

1 - Top ranked or best option

4 - Lowest ranked or worst option

Overall, the direct extension of Century Avenue is the safest option because it offers a better route when looking at these criteria. The Do Nothing option was the bottom ranked option primarily because of anticipated safety impacts on the overall transportation system. Golf Drive ranked higher than Century Avenue from a sight distance standpoint due to the vertical curve on Tyler Parkway.

ix. Access Impacts

Access impacts have both traffic and socio-economic ramifications. From the traffic side, accesses located too close to major intersections can have a detrimental impact on intersection operations and safety. Furthermore, these accesses can become blocked and experience significant delays when the major intersection traffic gets backed up.

From the socio-economic standpoint, both residential and business property owners appreciate having driveways that are readily accessible. When their driveways (accesses) become blocked, drivers become frustrated and businesses can lose patrons.

The direct extension of Century Avenue has the least impact on access, with access impacts being limited to Golf Drive and Pinto Place. The Golf Drive option would require closure of the east bank driveway and would impact business accesses east of Tyler Parkway through the north-south connection to Century Avenue. Additionally, access to the fire station may become blocked by queues from the Golf Drive intersection.

With the Burnt Boat Drive option, accesses on the east, west and south approaches may become blocked during peak traffic periods. Also, adjacent businesses and Grand View Lane would have detrimental mobility and safety impacts on the Burnt Boat Drive intersection.

b. Socio-Economic Criteria

i. Visual Impacts

Comparisons of visual impacts are subjective and require some assumptions. From the perspective of the Pinto Place neighborhood, negative visual impacts from greatest to least impacting would be the Century Avenue extension alternative, followed by the Golf Drive extension, with the Burnt Boat Drive extension being a distant third. This is the order the options were ranked.

We believe these opinions are subjective because the assumption is made that the valley west of Tyler Parkway remains undeveloped, and the undeveloped look is considered more visually appealing than a developed alternative. If the valley is developed, land use and vegetation adjacent to the streets in the valley could be more influential on the area's visual appeal than choice of alignment options.

ii. Noise Impacts

Noise impacts are proportional to the distance between a roadway and adjacent properties. The closer the roadway, the greater the potential for traffic noise. This study did not conduct noise analysis for the various alignment options.

Therefore, it is not known whether there is a significant difference in noise impacts on Pinto Place residents when comparing the Century Avenue and Golf Drive extension options. Given the distance principle, the Century Avenue option would have a greater noise impact than the Golf Drive option.

It is, however, reasonable to conclude that the Burnt Boat Drive option, while resulting in little if any impact on Pinto Place, would have greater impacts on properties in the vicinity of Burnt Boat Drive. Since most of these properties are more commercial in nature, these impacts were considered lower than the other two alignment options. A noise analysis would need to verify this conclusion.

iii. Residential Land Purchased

Since only the direct extension of Century Avenue resulted in the purchase of residential land (two twin homes), all other options were considered equal.

iv. Business Land Purchased / Impacted

Businesses may be impacted from changes in access, new traffic congestion, or buyouts. The option with the greatest impact on businesses is the Golf Drive option, where a full half block of established businesses would be bought out. This option also impacts the funeral home and the bank located west of Tyler Parkway. Queues from Golf Drive could also impact access to the Fire Station.

The option with the second highest impacts on business is the Burnt Boat Drive option. This option would result in at least two buyouts to address access issues on the east side of Tyler Parkway. Further study is needed to identify exactly which businesses would be impacted. In addition, business impacts associated with the realignment of Century Avenue would occur.

The direct extension of Century Avenue would result in relocation of the Fire Station and impacts to the funeral home. No other business impacts are anticipated.

v. Project Cost

It is difficult to establish detailed cost estimates for these alternatives given the property acquisition required for some. The cost of each alignment option is ranked as follows:

Option A – Do Nothing	Lowest Cost
Option B – Century Avenue Extension	Second Highest Cost
Option C – Golf Drive Extension	Highest Cost
Option D – Burnt Boat Drive Extension	Second Lowest Cost

B. Pedestrian and Bicycle Facility Alignments

Existing and recommended pedestrian and bicycle facility alignments are shown in Figure 4EX. These alignments follow the roadway alignment locations shown and discussed earlier in this chapter. For sidewalks and multi-use trails, it is generally preferable to construct these along roadways because of available right of way. Further, street lighting and the presence of pass-by traffic provides a sense for added safety.

These alignments may be considered candidates for construction of either bike trails or bike lanes. However, bike lanes should be considered where traffic volumes and speeds are lower and more experienced bike riders are anticipated.

IV. Public and Agency Involvement

A. Public Input Meetings

The first public input meeting was held on June 30, 2009 at the Good Shepherd Lutheran Church. Seventy-five property owners and business representatives were in attendance. The purpose of this meeting was to present and receive feedback on preliminary alignments and corridor issues.

A second public input meeting was held on September 16, 2010 at Horizon Middle School. The purpose of this meeting was to present and receive feedback on the draft Northwest Bismarck Sub-Area Study Report and its recommendations. 119 property and business representatives were in attendance. Significant feedback was received in opposition to the direct extension of Century Avenue and the extension of 64th Avenue NW.

B. Developer and Landowner Meetings

Notices of the public input meetings were sent to area landowners and developers in advance of the meetings. Efforts were made to meet with some stakeholders with interest in large tracts of land in the Study Area. Their ideas and feedback were relayed to the Study Review Committee for further consideration.

C. Study Review Committee

A Study Review Committee (SRC) was formed to guide the study process. The SRC was a technical committee having the task of reviewing study information and analysis, considering alternatives and study recommendations, and providing insight into City, County, State and Federal desires and expectations.

D. Coordination with City and County Officials

Two newsletters were distributed to City and County planning commissioners and elected officials. These newsletters were intended to give them an opportunity to become informed of project objectives and ongoing activities.

Presentations to City and County elected officials were scheduled to occur throughout the study process. The first set was conducted early in the process to introduce them to the study and ask whether there were any initial concerns that the consultant should be aware of. Two additional presentations were provided to the Bismarck City Commission. These were held prior to and following the second public input meeting. The final set of presentations was provided during the adoption phase of the project.

E. NDDOT Management Presentation

An NDDOT Management Presentation was held on August 16, 2010. The purpose of this presentation was to inform NDDOT management on the findings of the draft Report and to receive any feedback they wished to provide. It also informed them of study content so that they could respond to questions from the public involvement process.

F. MPO TAC and Policy Board Meetings

Progress and status reports have been provided on a monthly basis to the MPO Technical Advisory Committee (TAC) and Policy Board. Summaries of these meetings are available upon request from the MPO.

These meetings serve an important purpose in that they enable local officials and technical staff to stay involved with ongoing study activities. It also benefits the study when local technical staffs use their knowledge and expertise to provide guidance to the consultant.

V. Northwest Subarea Recommendations

A. Priority Corridors and Timing of Development

Burleigh County has identified the need to construct an east-west roadway from Washington Street west to River Road. This study identified the 57th Avenue corridor as the optimum location for this alignment. Since this appears to be a high County priority, its construction may occur prior to development.

The availability of roads and utilities, as well as the cost of infrastructure expansion, are factors that impact the cost of development. Therefore, these factors have a great influence on the timing of development. The timing of development is important because it will largely determine which roads get built first and which roads are available to serve the additional traffic.

The following observations were made concerning the timing of development and potential priority corridors:

- 57th Avenue will likely be constructed by Burleigh County within the next five years. This may lead to surrounding development.
- Developers are planning to extend Clairmont Road to the north to service new residential subdivisions. This will place added pressure on the Burnt Boat Drive/Tyler Parkway intersection, possibly heightening the need to extend Century Avenue.
- The public perceives that congestion and safety issues exist at the Ash Coulee Drive and Washington Street intersection. Further analysis should be undertaken to determine whether these issues occur for more than brief periods during the day. Washington Street corridor upgrades that have been programmed should address this intersection.

- Congestion during the morning drop off of the students at Horizon Middle School exists along Ash Coulee Drive. This congestion can be attributed to only one access to the school. An additional access point to Medora Avenue should be developed. There has been a joint effort between the school board and city to improve access to the school.
- Extension of Tyler Parkway or a corridor in the vicinity of Century Avenue would be an expensive endeavor for the City of Bismarck. It may be many years before either or both corridors can be funded. Therefore, choice of which one comes first appears to be an important decision for the City to make.
- A corridor extension in the vicinity of Century Avenue would pay the greatest dividends toward improving access to the Missouri River lowlands, and reducing congestion at Tyler Parkway and Burnt Boat Drive. Tyler Parkway would take the most traffic pressure off the Ash Coulee and Clairmont Road corridors.

B. Recommended City Actions

The City of Bismarck has the ability to use this Report as an important tool in responding to future development proposals in Northwest Bismarck. Yet, this alone does not adequately position the City to preserve future corridors and associated opportunities that exist today. There are a number of steps the City may consider in order to be more proactive in guiding optimum use of the undeveloped land in Northwest Bismarck:

1. Selection of Alternatives

A specific recommendation was not provided to select some alternatives alignments because selection could not be made without further analysis beyond the scope of the Study. Decisions for some corridor alignments will need to be made pending further analysis. These corridors include:

- Extension of Century Avenue (Burnt Boat Drive, Golf Drive and Direct Extension along current Century Avenue alignment remain options)
- Extension of 64th Avenue NW and Sonora Way
- Construction of the Tyler Coulee Corridor
- Extension of Ash Coulee Drive west of the Clairmont Road extension to River Road

2. Complete Environmental Documentation for Century Avenue and Tyler Parkway /Tyler Coulee Corridors

Environmental documentation activities for the Century Avenue and Tyler Parkway / Tyler Coulee corridors should be undertaken to ascertain that these corridors are viable and that the NEPA environmental process is followed.

3. Consider Policies that Promote a Mix of Employment Centers within Planned Residential Land Use

If current plans to develop the Northwest Subarea as primarily residential land become a reality, a high amount of future commuter traffic may result in traffic congestion on much of Bismarck's north side. Ideally, more people would have the opportunity to find work without having to leave northwest Bismarck when traveling to their work place.

Changes in policies and/or modifications in land use plans can be adopted to promote more mixed use development northwest of Bismarck. This could reduce traffic projections, resulting in less future traffic pressure on the entire transportation system.

4. Consider Policies and New Design Standards that Promote Context Sensitive Solutions and Complete Streets

Current City of Bismarck roadway Design Standards and policies do not specifically address context sensitive solutions and complete streets practices. Design elements including right of way needs, lane widths, placement of multimodal facilities and other design elements could be reassessed in relation to future land use and environmental characteristics.

Establishment of new standards and policies requires careful consideration and stakeholder involvement that was beyond the scope of this study. Therefore, it is recommended that the City of Bismarck review current standards and policies to improve the ability for future developments to incorporate context sensitive solutions and complete streets strategies.

5. Acquire Land for Fire Station Relocation (If Applicable)

This study considers an alternative that would extend Century Avenue directly west of Tyler Parkway (with no realignment). In order for this to occur, the City would need to relocate the fire station from the west side of Tyler Parkway.

The Fire Department personnel have indicated that the Fire Department's optimum service area would benefit by relocating to south of the Divide Avenue Interchange. Available vacant locations appear to be few, and unless the City acts in the near future, the cost of acquiring the needed land may increase significantly. Therefore, if the Century Avenue direct extension option is selected, it might be in the City's best interest to acquire property for a relocated fire station sooner rather than later.

6. Acquire Land for Century Avenue Extension (If Applicable)

Corridor right of way is often acquired through the platting process. In the case of the Century Avenue extension, it is unlikely that the land would be dedicated as street right of way through the platting process. It is unlikely because the Century Avenue extension would have limited developable property on either side of the extension.

Therefore, if the Century Avenue extension is to be constructed, the City may need to purchase the right of way for the roadway corridor.

7. Access Management During Platting and Development

This Report discusses the need for corridor preservation, while acknowledging that the understanding of ideal corridor development is changing with the advent of Complete Streets philosophy. Still, the existing north end of the Tyler Parkway corridor serves as a vivid reminder that unless access is managed, the ability for collector and arterial roads to safely and efficiently move future traffic can be left in doubt.

Until a more clear understanding of how additional access can be allowed in a complete streets context without significantly impeding the safety and mobility of vehicular traffic, it is advisable to follow current City ordinances pertaining to access control.

8. Identify Special Transportation Funding Mechanisms

There are limited financial resources available to construct new transportation facilities. Most often, available funding is spent to improve existing infrastructure rather than to build new roads. Therefore, it is common for new roads, roadway extensions, and other new transportation facility improvements to be made when land develops. This allows adjacent landowners to bear some (or all) of the cost for the improvements.

For future corridor improvement projects such as the extension or realignment of Century Avenue or the extension of Tyler Parkway, the City's current funding mechanisms may not work. In order for the City to fund these improvements, there may need to be new funding resources and/or mechanisms identified.

9. Plan for Orderly Extension of Utilities

This study recommends new transportation corridor alignments for northwest Bismarck. These new alignments may influence the desired locations for future utility extensions into northwest Bismarck (See Appendix C). Therefore, it would be prudent to revisit existing master plans and determine whether proposed future utility alignments should be modified to be more consistent with the recommended transportation corridor alignments identified in the northwest Bismarck Subarea Study.

10. Plan and/or Acquire Land for Future Parks and Schools

If northwest Bismarck ever completely fills in with urban residential development, there is potential for as many as 50,000 people to reside there. The 2007 Regional Future Land Use Plan has identified green space within northwest Bismarck that could be used for parks. However, almost all of this land is located in ravines, where grades are not conducive to certain types of park amenities, such as ball fields.

Ideally, there should be a regional park located in northwest Bismarck at some time in the future. This park should have 120 acres or more set aside with adequate flat land available to serve various desirable park functions. This regional park could use some of the flat land that overlooks ravines where additional green space and possible cultural resources are located.

Additionally, future schools will be needed to accommodate the students located within the new developments. Bismarck School District representatives should consider the need for future schools in this area and incorporate site acquisitions in their school development plans.

11. Prepare a Policy for Roundabout Implementation

Arterial and collector street intersections can be ideal locations for placement of a roundabout. Currently, there is no City or County policy to suggest if or where roundabouts should be considered, and what steps should be taken if a roundabout becomes the preferred method for traffic control.

Without a policy in place, it is likely that developers will choose to prepare plats with insufficient right of way and to implement traffic control that has lower initial costs. This could all occur to the detriment of traffic safety and mobility, as well as reduced aesthetics and sustainability for the region. Some municipalities and state governments have adopted policies that require roundabouts to be considered along with other forms of traffic control. Some entities have even gone as far as to require that other forms of traffic control must be proven more effective than roundabouts.

It is recommended that a new City/County policy be adopted that lays out the steps for roundabout consideration, as well as right of way requirements and how future plats will accommodate them.

12. Context Sensitive Corridor Recommendations

This study recommends that future corridor studies and development proposals within the study area incorporate a Complete Streets/Context Sensitive Solutions based approach to more effectively integrate a multi-modal transportation system into the study area. Prime corridors and locations which may especially benefit from this approach include:

- River Road, where strong consideration should be given to maintaining a two lane, limited access scenic route. Implementation of land use policies to preserve this scenic resource by limiting development within eyesight of the roadway in wooded areas is encouraged.
- Clairmont Road and Ash Coulee Drive, where the future development pattern is likely to remain largely residential; and opportunities exist to create a residential avenue that enhances or establishes a strong neighborhood character similar to the Historic Cathedral District.
- All functionally classified intersections of the recommended roadways in the Study Area where there is a strong opportunity to create effective neighborhood service centers that enhance or define the character of their neighborhoods.
- The recommended roadways located between 57th Avenue, Highway 1804, 15th Street NW and 28th Street NW (in Section 12 in Hay Creek Township) where a future commercial and mixed use center is identified in the Regional Future Land Use Plan.

13. Corridor Preservations Recommendations

This study recommends that future corridors be preserved through the platting and development processes. A summary list of the corridor alignment recommendations is provided as follows:

NORTHWEST SUBAREA ALIGNMENT RECOMMENDATION MATRIX				
Corridor	Alignment Recommendation	Study Review Committee Preferred Alignment	Study Recommendation	Fatal Flaw
Ash Coulee Drive	Optional extension to Clairmont Drive	SRC ✓		
Ash Coulee Drive	Optional extension to River Road		SRC	✓
Burnt Boat Drive	Proximity to Interchange and Business Impacts		SRC	✓
Golf Drive Extension	Business Impacts East of Tyler Parkway		SRC	✓
Century Avenue Extension	Fire Station and Pinto Place Impacts	SRC		✓
Fernwood Drive Extension	Existing Alignment is Central / Parallels River	SRC ✓		
River Road Expansion	Environmental & Physical Constraints		SRC X	
Sandy River Road Extension	Need a Second Connection from Valley	SRC ✓		
57th Avenue North	Section Line / Limited Existing Development	SRC ✓		
64th Avenue North	Connection Need is Uncertain	SRC		✓
Clairmont Road	Planned North-South Traffic Carrier	SRC ✓		
Tyler Coulee	Cost / Environmental / Constructability Concerns		SRC	✓
Tyler Parkway	Direct Connection to Interchange / Limited Options	SRC ✓		

KEY

SRC = Study Review Committee Preferred Alignment

✓ = Study Recommendation

X = Fatal Flaw



City Attorney

DATE: January 22, 2020

FROM: Jannelle Combs, City Attorney

ITEM: Discussion on Board Conduct and Governance

I was requested to provide a basic overview on common Robert's Rules of Order governance as well as North Dakota laws that often are impacted by work such as with the Planning and Zoning Commission.

Six voting members are the quorum for any Commission meeting since you have eleven voting members.

1. To amend a motion on the table: Need motion and second, and then a simple majority vote to amend the motion; then you need to vote on the actual motion. Or the movant can ask to withdraw the motion. The chair can ask if there is any objection; if none, it is withdrawn. If there is objection, the withdrawal will be put to a vote.
2. Do not need majority if someone rises to a question of privilege (i.e. to complain about noise or heat) or rise to a point of order (i.e. protest breach of rules).
3. If you believe something is out of order without enough discussion or no actual second or a miscalculation of the votes, you can "rise to a point of order" which is one area where you do not need to be recognized by the chair before you speak.

Chair controls the meeting and controls who speaks by "recognizing" members.

Discussion is not a conversation. No one should speak a second time until all who wish have spoken. Typically, once the topic is presented by staff, spoke about by the affected parties and all questions of those individuals are done, then a motion is needed before you can further discussion. Also the discussion should only occur after any public hearing is closed.

You have required findings of fact and sometimes you have conditions. Please make your motions to approve or deny based on those findings (mention that in your motion that it based on the findings, you would move to approve or else modify the findings to reject and list what you feel is not met). In addition, if staff recommends conditions, it would be helpful to indicate in your motion that approval is conditioned on the items listed in the staff report (whatever text they may be).

Open records/meetings:

1. If you meet with more five other Commissioners on a particular topic, it is a meeting that we need to disclose. Social or accidental meetings are exempt but be aware to not let the appearance of communication occur.
2. If you email or teleconference with more than five members on Commission business, it is a meeting requiring disclosure or if someone tries to speak to five you to build consensus.
3. Emails, voicemails, letters, texts, notes, etc. documenting anything relating to Planning and Zoning business is discoverable by the public. We must turn those over, even from your personal or business email address or phones. And deletion rarely ever occurs without an electronic bread crumb trail. Several AG opinions specifically call out that if substantive issues are mentioned, even if attending another committee or meeting, and any member provides an opinion regarding public business, builds support or consensus, then open meetings law are triggered.
4. If there is suspicion that you are not handing over all information, you may have to hand over electronic access to your email or phone to review in camera for anything not disclosed. If you miss something and did not disclose it, that will be an open records or meeting violation.
5. Penalties for compliance can require corrective action to announce the prior meetings and provide all of the information discussed to the public. Additionally, there can be civil and criminal penalties, including if the AG's office feels the Authority member should have known of the rules and will require that individual to be personally liable for noncompliance and those fees, without reimbursement from the City or insurance. Our errors and omissions insurance will not likely cover conduct that would rise to that level.
6. If it is kept, it is discoverable. The City will maintain the minutes and memos required under state law to remain, which is 3 years or longer if it involves certain projects. But you may have requests for any documents, especially emails or texts, if we believe you may be impacted.

If you have questions, please let Community Development or City Attorney Departments know. Jannelle is available anytime if you have a legal question on whether an issue is in compliance with her contact information below.

STAFF CONTACT INFORMATION

Jannelle Combs | City Attorney, 355-1340 or jcombs@bismarcknd.gov

PERMIT ACTIVITY REPORT - MTD
DATE SELECTION 1/2020

*****City*****

*****ETA*****

	1/2020		1/2019		1/2020		1/2019	
Census Code	Permits	Valuations	Permits	Valuations	Permits	Valuations	Permits	Valuations
SINGLE FAMILY DETACHED	0	\$0.00	2	\$381,227.20	0	\$0.00	0	\$0.00
ROWHOUSE (2) 1-HR FIRE SEPARATION	2	\$461,045.04	8	\$1,452,182.16	0	\$0.00	0	\$0.00
MANUFACTURED HOMES	0	\$0.00	1	\$0.00	0	\$0.00	0	\$0.00
DECKS\PORCHES & COVERED PORCHES	1	\$2,232.00	1	\$0.00	0	\$0.00	0	\$0.00
RESIDENTIAL ALTERATION/OTHER	4	\$300,350.00	8	\$550,500.00	4	\$157,775.00	1	\$41,750.00
HOME OCCUPATION	0	\$0.00	2	\$0.00	0	\$0.00	0	\$0.00
BASEMENT FINISH	6	\$80,560.00	20	\$269,191.00	2	\$19,968.00	3	\$49,790.00
RESIDENTIAL	0	\$0.00	0	\$0.00	0	\$0.00	1	\$0.00
NEW SIGN PERMITS	4	\$11,700.00	12	\$39,499.00	0	\$0.00	0	\$0.00
SIGN ALTERATION	2	\$15,000.00	1	\$1,600.00	0	\$0.00	0	\$0.00
ELECTRONIC MESSAGE CENTER	0	\$0.00	1	\$23,090.00	0	\$0.00	0	\$0.00
COMMERCIAL NEW CONSTRUCTION	2	\$19,740,000.00	1	\$29,000.00	0	\$0.00	0	\$0.00
COMMERCIAL ALTERATION	15	\$2,214,531.07	12	\$7,239,679.00	0	\$0.00	2	\$770,000.00
Total	36	\$22,825,418.11	69	\$9,985,968.36	6	\$177,743.00	7	\$861,540.00

PERMIT ACTIVITY REPORT - MTD
DATE SELECTION 1/2020

*****City*****

*****ETA*****

	1/2020		1/2019		1/2020		1/2019	
Trade Permit Type	Permits	Valuations	Permits	Valuations	Permits	Valuations	Permits	Valuations
BUILDING ELECTRIC	68	\$0.00	49	\$120,000.00	0	\$0.00	0	\$0.00
BUILDING MECHANICAL	88	\$2,786,255.00	97	\$752,982.00	13	\$117,120.00	15	\$134,120.00
BUILDING MECHANICAL FIREPLACE	0	\$0.00	0	\$0.00	1	\$3,000.00	0	\$0.00
BUILDING MECHANICAL NEW CONSTRUCTION	1	\$23,000.00	0	\$0.00	0	\$0.00	0	\$0.00
BUILDING PLUMBING	16	\$1,136,105.79	10	\$446,564.00	3	\$36,298.50	0	\$0.00
Total	173	\$3,945,360.79	156	\$1,319,546.00	17	\$156,418.50	15	\$134,120.00

PERMIT ACTIVITY REPORT - MTD
DATE SELECTION 1/2020

	*****City*****		*****ETA*****	
	1/2020	1/2019	1/2020	1/2019
Living Units	Units	Units	Units	Units
MANUFACTURED HOMES	0	1	0	0
Total	0	1	0	0

PERMIT ACTIVITY REPORT - YTD
DATE SELECTION 1/2020

*****City*****

*****ETA*****

	1/2020		1/2019		1/2020		1/2019	
Census Code	Permits	Valuations	Permits	Valuations	Permits	Valuations	Permits	Valuations
SINGLE FAMILY DETACHED	0	\$0.00	2	\$381,227.20	0	\$0.00	0	\$0.00
ROWHOUSE (2) 1-HR FIRE SEPARATION	2	\$461,045.04	8	\$1,452,182.16	0	\$0.00	0	\$0.00
MANUFACTURED HOMES	0	\$0.00	1	\$0.00	0	\$0.00	0	\$0.00
DECKS\PORCHES & COVERED PORCHES	1	\$2,232.00	1	\$0.00	0	\$0.00	0	\$0.00
RESIDENTIAL ALTERATION/OTHER	4	\$300,350.00	8	\$550,500.00	4	\$157,775.00	1	\$41,750.00
HOME OCCUPATION	0	\$0.00	2	\$0.00	0	\$0.00	0	\$0.00
BASEMENT FINISH	6	\$80,560.00	20	\$269,191.00	2	\$19,968.00	3	\$49,790.00
RESIDENTIAL	0	\$0.00	0	\$0.00	0	\$0.00	1	\$0.00
NEW SIGN PERMITS	4	\$11,700.00	12	\$39,499.00	0	\$0.00	0	\$0.00
SIGN ALTERATION	2	\$15,000.00	1	\$1,600.00	0	\$0.00	0	\$0.00
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COMMERCIAL ALTERATION	15	\$2,214,531.07	12	\$7,239,679.00	0	\$0.00	2	\$770,000.00
Total	36	\$22,825,418.11	69	\$9,985,968.36	6	\$177,743.00	7	\$861,540.00

**PERMIT ACTIVITY REPORT - YTD
DATE SELECTION 1/2020**

*****City*****

*****ETA*****

	1/2020		1/2019		1/2020		1/2019	
Permit Type	Permits	Valuations	Permits	Valuations	Permits	Valuations	Permits	Valuations
BUILDING ELECTRIC	68	\$0.00	49	\$120,000.00	0	\$0.00	0	\$0.00
BUILDING MECHANICAL	88	\$2,786,255.00	97	\$752,982.00	13	\$117,120.00	15	\$134,120.00
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BUILDING MECHANICAL NEW CONSTRUCTION	1	\$23,000.00	0	\$0.00	0	\$0.00	0	\$0.00
BUILDING PLUMBING	16	\$1,136,105.79	10	\$446,564.00	3	\$36,298.50	0	\$0.00
Total	173	\$3,945,360.79	156	\$1,319,546.00	17	\$156,418.50	15	\$134,120.00

PERMIT ACTIVITY REPORT - YTD
DATE SELECTION 1/2020

*****City*****

*****ETA*****

	1/2020	1/2019	1/2020	1/2019
Living Units	Units	Units	Units	Units
MANUFACTURED HOMES	0	1	0	0
BASEMENT FINISH	0	0	0	0
DECKS\PORCHES & COVERED PORCHES	0	0	0	0
RESIDENTIAL ALTERATION/OTHER	0	0	0	0
ROWHOUSE (2) 1-HR FIRE SEPARATION	2	8	0	0
SINGLE FAMILY DETACHED	0	2	0	0
Total	2	11	0	0